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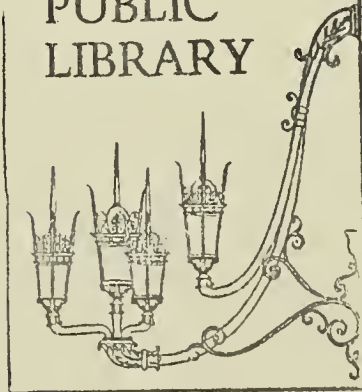


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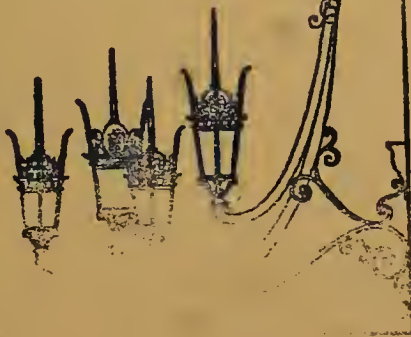
BOSTON REDEVELOPMENT  
AUTHORITY.

# *proposed* **ZONING**

A REPORT BY THE CITY PLANNING BOARD, BOSTON, MASSACHUSETTS, MAY 1958

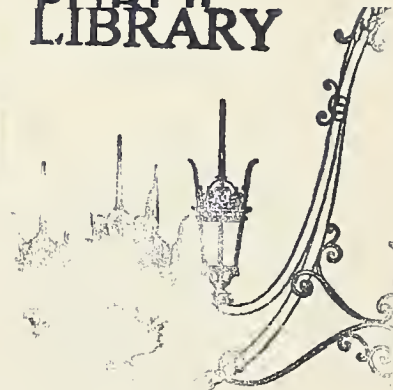


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*The proposed regulation, which has been drafted by the Planning Board, is preliminary, subject to further study and revision, and will be scheduled for public hearings, before final review and adoption by the new Zoning Commission which will be appointed in accordance with Chapter 665 of the Acts of 1956, as amended by Chapter 77 of the Acts of 1958.*

Office of  
THE ZONING COMMISSION  
(est. by Chap. 665 of  
the Acts of 1956)  
1108 City Hall Annex  
Boston 8, Mass.



Enclosed please find copy of "Proposed Zoning Regulation for the City of Boston". This proposed regulation was prepared by the City Planning Board and has been submitted by it to the Zoning Commission appointed in conformity with the provisions of Chapter 665 of the Acts of 1956, as amended.

The need for rezoning has long been recognized by all concerned with the future of the city - builders and investors as well as public administrative officials. New concepts of design and new practices in building economics have made the 1924 regulations obsolete.

The Planning Board after several years of study has prepared the accompanying report to assist the Zoning Commission in establishing a new regulation for the city. Attention should be called to the fact that the proposed regulation is preliminary, is subject to revision, and will be scheduled for public hearings by the Zoning Commission which now has the report under study.

The Commission in submitting the proposed regulation to your organization for review respectfully requests that you furnish the Commission with your comments with respect to same.

*Albert V. Colman*

Albert V. Colman, Chairman  
Zoning Commission

March 25, 1959

THE BOARD OF  
DIRECTORS  
OF THE  
FEDERAL RESERVE SYSTEM  
WASHINGTON, D. C.

MEMORANDUM FOR THE BOARD OF DIRECTORS  
SUBJECT: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]





DONALD M. GRAHAM  
*Planning Administrator*

THOMAS E. McCORMICK  
*Director of Planning*

OFFICE OF  
**THE CITY PLANNING BOARD**

1108 City Hall Annex  
BOSTON 8, MASS.

September 15, 1958

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MARY T. DOWNEY, *Secretary*

Honorable John B. Hynes  
Mayor of Boston  
Boston, Massachusetts

Dear Mr. Mayor:

I am transmitting herewith, on behalf of the City Planning Board, report on "Proposed Zoning Regulation for the City of Boston".

This study was undertaken by direction of Your Honor, and upon your recommendation a special appropriation in addition to our regular budget was made available in late 1952. Due to several unforeseen factors the work was not extensively prosecuted until the spring of 1953. The bulk of the work was done over a period of two years when certain delays were incurred, particularly in regard to obtaining legislation for the passage of a new zoning enabling act. However, during this interim some forty evening meetings were held with community groups, at which the proposals were reviewed and discussed.


The need for rezoning has long been recognized by the Board and by all concerned with the future of the city - builders and investors as well as public administrative officials. Many parts of the city have completely changed character. New concepts of design and new practices in building economics have made the 1924 regulations obsolete.

The Board acknowledges with gratitude the advice and assistance given by its Advisory Committees which were composed of citizens representing business, financial, professional and consumer groups.

Attention should be called to the fact that this proposed regulation is preliminary, is subject to revision and eventually will be scheduled for public hearings by the recently appointed Zoning Commission now awaiting confirmation by the City Council.

The present report has been prepared by the staff of the City Planning Board under the careful direction and guidance of the firm of Adams, Howard and Greeley, Planning Consultants. The Board is grateful to them and all who gave of their time and effort in order that this step in the larger program of the rebuilding of Boston should be comprehensive, constructive and complete.

Sincerely yours,

  
Timothy J. Regan, Jr.  
Chairman



*proposed*  
**ZONING**

A REPORT BY THE CITY PLANNING BOARD, BOSTON, MASSACHUSETTS, MAY 1958

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## INTRODUCTION

### *Need for Re-Zoning*

Boston's need for a new zoning code has been recognized for some years by those concerned with the future of the City — builders, investors, real estate and neighborhood groups, public officials and city planners.

Changes in the functions of the City have outmoded the 1924 zoning. Metropolitan growth trends have altered ideas of how certain intown areas will and should develop. Many parts of the City have completely changed character. New methods of building design and construction, and new practices in building economics have made obsolete the 1924 standards — for heights of buildings, density, spacing, and other features. Changes in the average size of family and other social changes have outdated large residential areas, and the zoning that now regulates them. The motor vehicle has changed the way in which people live and do business. The City is confronted with a need for even more sweeping changes in the future if it is to successfully meet the demands for living and doing business in the second half of the twentieth century. One of the most critical needs is the attraction of new building and investment capital to bolster the shrinking tax base and support an adequate level of municipal service.

### *The Future at Stake*

Though Boston is almost solidly built-up, much of the physical plant must be replaced in the near future. Zoning, which regulates new construction, is of great significance in shaping the future Boston. Over the next 20 years as much as a billion dollars of new construction or alterations may be at stake. Made up of both new building and replacement, this compares with a present taxable value of land and buildings of about a billion four hundred million dollars. Though not a net addition to valuation, such a sum is obviously of great importance to the City. New construction already proposed will have tremendous impact upon the economic base of the entire community and the lives of countless thousands of future citizens.

### *New Enabling Act*

The Planning Board at the request of the Mayor undertook a re-zoning study in 1953. In December of that year the Board issued its *Zoning Policies* report, the result of a technical analysis carried on by a special staff. This report was designed to focus the attention of the public on zoning problems. Zoning proposals were later reviewed and discussed at more than forty public meetings with neighborhood groups, sponsored by the Mayor's Rehabilitation Committees. The Board appointed and met with advisory committees from business and professional groups on specific zoning problems.

The corporation counsel drafted legislation for a new zoning enabling act which would give Boston full authority to adopt its own zoning and thereby eliminate a thirty-year situation unique in zoning procedures: the State Legislature controlling changes in zoning *text* and a City Board of Zoning Adjustment controlling changes in the zoning *map*.

The new enabling act was passed by the Legislature as Chapter 665 of the Acts of 1956, subject to approval of the City Council. A 1957 amendment extended to June 1, 1958, the time for acceptance by the City Council. A further amendment in the form of Chapter 77 of the Acts of 1958 met with the favor of the City Council, and on May 19, the Council accepted the enabling act. After appointment of the new Zoning Commission, the proposed regulation will be subject to review and public hearings. Upon adoption by the Zoning Commission, it must be filed with the Clerk of the State Senate and a period of twelve months elapse before it becomes effective.

## *Outstanding Features of Proposed Regulation*

Some of the outstanding features proposed for Boston's new zoning include:

- Use of floor area ratio as bulk and height control, giving maximum flexibility in design of new buildings.
- Higher standards for light, air and open space.
- Concentrated commercial development rather than narrow ribbon development along street frontages.
- Simplification of administrative procedures.
- Regulations for and mapping of 8 Residence Districts  
8 Business Districts  
6 Industrial Districts
- Protection of existing areas from intrusion of incompatible land uses by control over conditional uses.
- Correlation of zoning with general plan through reviews and reports from the Planning Board.
- Strengthening and clarifying Board of Appeal functions.
- Requirements for off-street parking and loading facilities.
- The new zoning is so drawn that it can be changed to meet changing conditions, and so administered that it can produce the best results for the entire community. This flexibility is provided through provisions for appeals, for variances, for conditional uses, and for amendments to both map and text.

## *District Regulations*

The new zoning regulation, similar to the old, has three broad classifications of zoning districts: Residential Districts, Business Districts and Industrial Districts.

*There are eight residential districts:* two for single-family dwellings, S-3 and S-5; two for two-family and low-density garden apartments, R-5 and R-8; and four general residence districts, H-1, H-2, H-3 and H-4.

The R and H districts allow a variety of dwelling types to be built, subject to the density and bulk regulations for each district. This is expected to encourage more building investment, enlightened architectural design, and improved site planning, as well as to create more openness and relief from urban monotony.

*Eight new business districts:* three local business — L-5, L-1 and L-2; and five general business — B-1, B-2, B-4, B-8 and B-10 are contained in the new regulation. These are more specific than the present classifications which are too general in character and inadequate for proper control. Separation of business and manufacturing uses has been a primary consideration in the new code, particularly in the general business districts, which presently allow food, clothing and other manufacturing uses. In the new regulation manufacturing uses have been placed in their proper industrial category.

Similarly in local business districts, certain uses, such as gasoline service stations and funeral establishments, are subject to conditional permits since they can be incompatible or discordant uses in a local retail shopping district.

*Three types of industrial districts:* four light manufacturing — M- 1, M- 2, M- 4, M- 8; one general industrial — I-2; and one waterfront industrial — W-2 are set up in the proposed code as compared with the simple industrial and unrestricted types of the existing law. An endeavor has been made to establish classifications by degree of industrial annoyance, particularly where noise and vibrations are concerned. The use of performance standards to measure and control industrial uses was investigated. It was felt, however, that experience in the measurement and enforcement of these controls is inadequate to warrant their adoption at this time. Certain conditions of performance, however, have been written into the regulations which will tend to control the nuisance factor of certain industrial uses.

The four M districts, M-1, M-2, M-4 and M-8, are intended for light manufacturing uses and would exclude those having nuisance characteristics; such as open-lot storage of used building material and auto graveyards. The M-1 district is designed to encourage the industrial park type of development with building height limited to thirty-five feet and a front set-back requirement of twenty feet.

An I-2 district is established to accommodate general or "heavy" industrial uses that may be more detrimental than those allowed in the M districts.

A W-2 district is established to both accommodate and protect waterfront industry. The intent is to reserve the limited waterfront area for uses that require waterborne facilities as an aid to highest potential development of the waterfront. The use of a conditional permit amply provides for other uses that may be compatible with maritime development.

### *Building Density Control by Floor Area Ratio*

The new zoning regulation regulates building density by the floor area ratio method of control.

*The floor area ratio is the ratio of the gross floor area of a structure to the total area of the lot.*

The traditional regulation by absolute height limits has several disadvantages. It does not permit flexibility in freedom of design to the developer and it is an unsatisfactory method of density control. Floor area ratio, on the other hand, describes building density directly, and population density indirectly: residents in apartments, shoppers in stores, workers in factories. It is, therefore, a convenient method for comparing for different buildings the "load on the land", the burden that will be placed on the streets, parking facilities, public utilities and services.

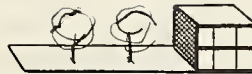
Thus the floor area ratio of 1.0 could represent a one-story building covering the entire lot, or the same floor area in a two-story building covering half the lot, or a four-story building on a quarter of the lot. A one-story building covering half the lot would have a floor area ratio of 0.5, as would a two-story building covering a quarter of the lot. A twelve-story building would have a floor area ratio of 6.0 if it covered half the lot, or 3.0 if it covered only one-quarter of the lot.

The numbers that follow the key initials representing different districts — e.g. S-3, L- 1, B- 4 — refer to the maximum floor area ratio allowed for that district.

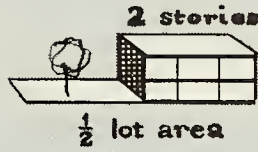
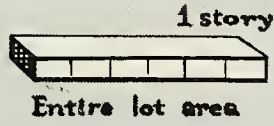
### *Conditional Uses and Variances*

A feature introduced in the new code concerns conditional uses. In the Table of Use Regulations certain uses are allowed as conditional uses. This means that such uses are allowed in the designated

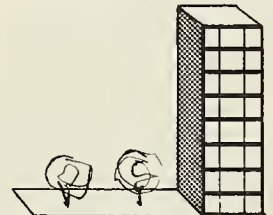
0.5



1.0

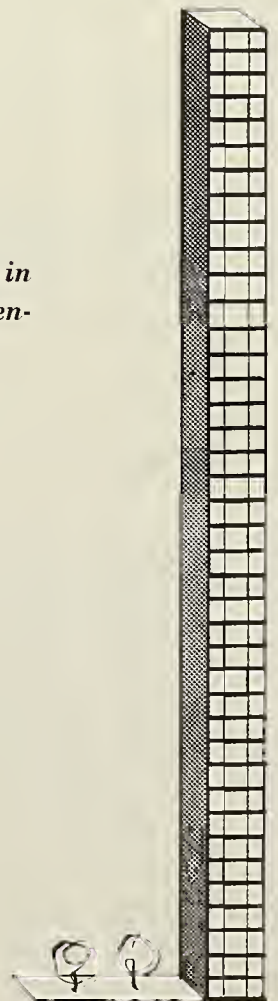
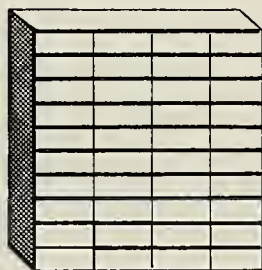


2.0



Floor Area Ratio is the ratio of the total area of all floors in the building to the area of the lot. It measures building density directly and population density indirectly.

10.0



districts, provided the Board of Appeal in a specific case, after public notice and hearing, finds that the use as and where proposed, among other things will not adversely affect the neighborhood. This action is subject to certain procedures and specific requirements as set forth in the code.

An indication of the increasing importance of correlating planning with zoning is the requirement of a report and recommendations from the Planning Board to guide the Board of Appeal in its decisions on each permit for a conditional use.

The Board of Appeal is still empowered to grant variances from the terms of the law, but only for reasons of practical difficulty and demonstrable and substantial hardship. In certain variance cases involving alteration of a building, non-conforming use of land, non-conforming use of existing building, a commercial or industrial use in a residential district, the Planning Board is also required to submit a report.

### *Administration*

In the new enabling act, as in the old, it is the duty of the Building Commissioner to enforce the provisions of the code. The new Zoning Commission, which will replace the present Board of Zoning Adjustment, has the power not only to make map changes but also to make amendments to the text. This latter power is significant in that it gives "home rule" in zoning to Boston for the first time. Under the existing legislation for thirty-odd years Boston has been in a unique situation in that the State Legislature is the sole authority for making changes in the City's zoning regulations.

The new enabling act provides that no zoning amendments, whether regulation or map change, shall be adopted until the City Planning Board shall have submitted a report to the Zoning Commission with recommendations concerning such amendment. The Commission shall give notice and hold a public hearing on amendments.

The Board of Appeal provided for in the Boston Building Code, as now constituted, is retained and would have three functions: (1) the granting of variances, (2) the granting of conditional uses, and (3) interpreting district classifications for uses not specified in the regulations.

### *Parking Provisions*

One of the most critical omissions in the present zoning law is the complete absence of any requirement for the off-street parking of automobiles. The proposed zoning code requires off-street parking in all districts except the B-8 and B-10 districts in the downtown area. It was considered that the City's program of municipal garages would adequately provide for needed parking facilities, although where parking is provided by a builder in these districts an increase in floor area ratio is allowed on a graduated scale.

Parking requirements vary with building density and type of use. This is based on accessibility by rapid transit, with maximum parking requirements in outlying low density areas, somewhat less in outer areas of high accessibility, and least in the business districts of the central area, where economics require dependence on municipal or commercial off-street parking.

Closely allied to off-street parking is the problem of off-street loading. It is the intent of the new code that all structures and uses requiring the delivery of goods as part of their function eventually be provided with necessary space for off-street loading. Though not retroactive, the code requires an existing structure, when increased in floor area by 15,000 square feet or more, to provide off-street loading facilities for the additional area.



## *New Zoning Maps*

Proposed zoning lines as shown on new zoning maps not only reflect a more realistic appraisal of existing uses, but are designed to give the maximum protection to existing good development and opportunity for the promotion of desirable new development. This aims to assure good standards of light and air, of building density, and of population density.

The new regulation recognizes the trend toward greater depth of business properties in concentrated centers. This has resulted in the elimination of considerable commercial frontage, especially along major thoroughfares, that had been allocated far in excess of the amount of land actually needed for this purpose.

The present zoning for business is two and a half times the amount presently used for business, which is deemed excessive. Business zoning should provide some surplus above present and expected use to assure flexibility in development, to provide room for expansion, to avoid monopoly holding of business sites, and to accommodate non-business uses such as churches and public buildings which are often located in business districts.

On the other hand, overzoning can be as detrimental as underzoning. It devaluates the price of business land by creating an oversupply, invites spotty development, impairs values of residential areas thus invaded, diminishes traffic capacity of main streets because of ribbon development, invites marginal and substandard business, and impedes investment in residential construction on land that has no real demand for business. One of the major purposes and advantages of re-zoning studies in large cities has been to reduce the amount of overzoning for business inherited from the unplanned zoning codes of the nineteen-twenties.

The proposed business zoning allows for a 40% increase. The expansion factor is believed to be more than adequate for the foreseeable future.

A clear-cut comparison of present and proposed amounts of industrial zoning is difficult because of the nature of the present general business zones which allow both business and industrial uses. The area now specifically zoned for industry amounts to about 5100 acres. The area proposed to be zoned for industry is 5500 acres, an increase of 400 acres. However, when compared with the amount of land presently used for industry, the proposed zoning would allow a sixty percent expansion in industrial use.

## *Zoning Regulation and Urban Renewal*

The proposed zoning regulation can be a vital tool in achieving the goals of urban renewal. The regulation provides a number of controls and requirements which are most significant not only for future planning but for the renewal of our built-up physical plant. It improves the control over the population density of a neighborhood. Its flexibility allows for greater aesthetic and functional freedom in the design of our neighborhoods. It requires, but not retroactively, off-street parking and loading facilities to help reduce traffic congestion. It assures greater compatibility between land uses throughout the community. It provides more stringent controls regarding the continuance of non-conforming uses.

The Board welcomes expressions of opinion from all those interested in the vital questions raised by these recommendations and the City Planning Department will be glad to discuss any of its provisions. The effectiveness of the new zoning regulation will be in its acceptance by the public at large and in its enforcement.

## *A C K N O W L E D G M E N T S*

This report cannot be issued without acknowledging with thanks the cooperation of many city officials, civic leaders and other citizens who gave of their time and energy in discussing various drafts of the zoning text as well as the development of the zoning lines as shown on the maps. In addition to advisory committees of citizens appointed for these reviews, the Mayor's Rehabilitation Committees sponsored two series of meetings held throughout the City, one series after survey and analysis, before the maps were drawn; the other after tentative zoning lines had been established. Information received in these meetings from well-informed citizens was of considerable value to the consultants and zoning staff.

Others to whom we owe a debt of gratitude for effort expended on behalf of new zoning for Boston include many staff people who worked on the rezoning study during the course of its operation on field studies, research, analysis and mapping. Last, but not least, go thanks to the secretarial staff of the Planning Board who suffered through successive drafts and revisions of the zoning text.

*proposed*  
**ZONING REGULATION**  
*for the*  
***City of Boston***

PREPARED BY THE CITY PLANNING BOARD AND  
ADAMS, HOWARD AND GREELEY, CONSULTANTS



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THE COMMONWEALTH OF MASSACHUSETTS  
CITY OF BOSTON

IN ZONING COMMISSION,

\_\_\_\_\_ 1958

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby adopt the following zoning regulation:

ZONING REGULATION

ARTICLE 1.

*Title, Purpose and Scope*

**Section 1-1. Title.** This regulation shall be known and may be cited as the "Boston Zoning Code".

**Section 1-2. Purpose.** The purposes of this code are hereby declared to be: to promote the health, safety, convenience, morals and welfare of the City; to encourage the most appropriate use of land throughout the City; to prevent overcrowding of land; to conserve the value of land and buildings; to lessen congestion in the streets; to avoid undue concentration of population; to provide adequate light and air; to secure safety from fire, panic, and other dangers; to facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and to preserve and increase the amenities of the City.

**Section 1-3. Scope.** In their interpretation and application, the provisions of this code shall not be construed to repeal, abrogate, annul or in any way impair or interfere with provisions of other regulations, laws or ordinances, or with provisions of private restrictions placed upon property by covenant, deed or other private agreement, or with provisions of restrictive covenants running with the land to which the City is a party. Where this code imposes a greater restriction upon land, buildings or structures than is imposed or required by any of the aforesaid provisions, the provisions of this code shall prevail.

## ARTICLE 2.

### *Definitions*

**Section 2-1. Meaning of Certain Words and Phrases.** As used in this code, the following words and phrases shall have the meanings given in the following clauses, unless a contrary intention clearly appears:

(1) "Accessory building", a building devoted exclusively to a use accessory to the principal use of the lot.

(2) "Accessory use", a use ordinarily incident to, and on the same lot as, a principal use.

(3) "Apartment hotel", a building containing four or more apartments which do not have kitchens, primarily for persons who have their residences therein.

(4) "Boarding house", any dwelling (other than a hotel, motel or apartment hotel), in which board is provided to five or more persons who are not within the second degree of kinship.

(5) "Building", a structure forming a shelter for persons, animals or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

(6) "City", the City of Boston.

(7) "Clinic", a place for the medical or similar examination and treatment of persons as out-patients.

(8) "Code", the Boston Zoning Code, as defined in Section 1-1.

(9) "Commission", the Zoning Commission of the city.

(10) "Commissioner", the Building Commissioner of the city.

(11) "Court height", the vertical distance from the lowest level of a court as constructed, or from the grade level of the lot, whichever is higher, to the mean height of the two highest opposite walls bounding the court.

(12) "Court, inner", a space enclosed on all sides by exterior walls of a building or buildings, or in part by exterior walls of a building or buildings and in part by lot lines other than street or alley lines.

(13) "Court length", the mean horizontal dimension of a court measured at right angles to the line determining its width.

(14) "Court, outer", a space open on at least one side to a yard or to a street, alley or other public open space not less than twenty feet wide, and enclosed on one or more other sides by the exterior walls of a building or buildings.

(15) "Court width", in the case of an inner court, the shortest horizontal dimension; and in the case of an outer court, the horizontal dimension of the principal open end of such court.

(16) "Dwelling", a building or structure used in whole or in part for human habitation.

(17) "Dwelling, detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

(18) "Dwelling, multi-family", a building containing three or more dwelling units, but not including a motel.

(19) "Dwelling, semi-detached", a dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

(20) "Dwelling unit", a room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking, and eating.

(21) "Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

(22) "Extend", to increase in area or volume.

(23) "Family"; one or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided, that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

(24) "Floor area ratio", the ratio of gross floor area of a structure to the total area of the lot.

(25) "Floor area, gross", the sum of the areas of the several floors of the building, as measured by the exterior faces of the walls, excluding areas used for accessory garage purposes and excluding also basement and cellar areas devoted exclusively to uses accessory to the operation of the building, but including enclosed porches and the like as measured by the exterior limits thereof.

(26) "Grade", in cases where all walls of the principal building are more than five feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

(27) "Height of building", the vertical distance of the highest point of the roof, excluding penthouses and roof structures, above the mean grade of the sidewalk at the line of the street or streets on which the building abuts; or, in the case of a building not abutting on a street, above the mean grade of the ground between the building and whichever of the following is nearer, namely, a line twenty feet from the building or the lot line; but in no event shall the mean grade of such ground be taken to be more than five feet above or below the mean grade of the ground immediately contiguous to the building.

(28) "Hotel", a building containing four or more apartments without kitchens, or sleeping accommodations for ten or more persons, primarily the temporary abode of persons who have their residences elsewhere.

(29) "Lodging house", any dwelling (other than a hotel, motel or apartment hotel) in which living space, without kitchen facilities, is let to five or more persons who are not within the second degree of kinship.

(30) "Lot", a parcel of land, in single ownership, whether or not platted, and not divided by a "public" street.

(31) "Lot area", the horizontal area of the lot exclusive (a) of any area in a public or private way open to public use, and (b) of any fresh-water area more than ten feet from the shoreline, and (c) of any salt-water area below the mean high-tide line.

(32) “Lot, corner”, a lot situated at the intersection of and abutting two streets which have an angle of intersection of not more than 135 degrees.

(33) “Lot depth”, the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

(34) “Lot line, front”, a line separating the lot from the street. For a corner lot, a line separating the narrower street frontage of the lot from the street, unless otherwise designated by the owner.

(35) “Lot line, rear”, a line most nearly distant and opposite from the front lot line; where the lot is irregular, a line perpendicular to the mean direction of the side lot line, and at least ten feet in length within the lot.

(36) “Lot width”, the horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

(37) “Motel”, a hotel primarily for transients traveling by automobile, with a parking space on the lot for each lodging, and with access to each lodging directly from the outside.

(38) “Nonconforming use”, a use of a building or lot that does not conform to a use regulation prescribed by this code for the district in which it is located; provided that such use was in existence and lawful at the time the use regulations became effective.

(39) “Occupied”, shall include the words “designed, arranged, or intended to be occupied”.

(40) “Parapet line”, a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

(41) “Shall”, shall be considered mandatory and not directory.

(42) “Sign”, shall mean and include any structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction.

(43) “Sign, area of”:

(a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols together with any background of a different color than the natural color of the building.

(c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

(44) “Story”, that portion of a building included between the top surface of a floor and the top surface of the next floor or roof above, except that a space used exclusively for the housing of mechanical services of the building shall not be considered to be a story if access to such space may be had only for maintenance of such services.

(45) “Story, first”, the lowest story of which sixty-five per cent or more of the height is above the mean grade from which the height of the building is measured.

(46) "Street", a public way, alley, lane, court, sidewalk and parts of public squares and places which form travelled parts of highways.

(47) "Street line", the line separating a street from a lot.

(48) "Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

(49) "Trailer camp", a parking space for two or more trailers used as dwellings.

(50) "Usable open space", space suitable for recreation, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five per cent open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

(51) "Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used".

(52) "Yard, front", an open space extending across the full width of the lot and lying between the front lot line and the nearest point of the building.

(53) "Yard, rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot.

(54) "Yard, side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side street yard, extending to the rear lot line.

**Section 2-2. Other Words and Phrases.** Words and phrases not defined in Section 2-1 but defined in the Boston Building Code shall have the meanings given in the Boston Building Code, unless a contrary intention clearly appears.

**Section 2-3. Rules of Construction.** Words importing the singular shall include the plural; and words importing the plural shall include the singular.

ARTICLE 3.

***Establishment of Zoning Districts***

**Section 3-1. Division of City into Districts.** For the purposes of this code the City of Boston is hereby divided into zoning districts as follows: three classes of residential districts: S (single family), R (two-family and garden apartment), and H (apartment); two classes of business districts: L (local) and B (general); and three classes of industrial districts: M (light manufacturing), I (general) and W (waterfront); each of which is further subdivided into districts identified by a number which represents maximum allowed floor area ratio, as follows:

(a) *Residential Districts*

S-.3	Single Family
S-.5	
R-.5	Two-family and Garden Apartment
R-.8	
H-1	Apartment
H-2	
H-3	
H-4	

(b) *Business Districts*

L-.5	Local
L-1	
L-2	
B-1	General
B-2	
B-4	
B-8	
B-10	

(c) *Industrial Districts*

M-1	Light Manufacturing
M-2	
M-4	
M-8	
I-2	General Industrial
W-2	Waterfront Industrial

**Section 3-2. Establishment of District Boundaries.** The boundaries of these districts are hereby established as shown on a map entitled "The Zoning Map of the City of Boston", dated \_\_\_\_\_, on file in the office of the City Clerk, which map, with all explanatory matter thereon, shall be deemed to be, and is hereby made, a part of this code.

**Section 3-3. Interpretation of District Boundaries.** Where a district boundary is indicated as approximately following, or parallel to, the center line or street line of a street, highway, railroad right-of-way, or water course, such a district boundary shall be construed as following, or as being parallel to, such center line or street line. Where a district boundary is indicated as approximately following a lot line, such line shall be construed to be said boundary. If no distance is indicated on the zoning map for a district boundary running parallel to the center line or street line of a street or highway, such dimension shall be assumed to be 100 feet from said line or, if as determined by the use of the scale shown on said zoning map it is at least 20 feet, more or less than 100 feet, it shall be as so scaled.

## ARTICLE 4.

### *Application of Regulations*

**Section 4-1. *Conformity of Buildings and Land.*** Except as provided in this code, no building, structure, or land shall be used or occupied, and no building or part thereof or other structure shall be erected, reconstructed, extended, or altered except in conformity with the regulations herein specified for the district, as shown on the official zoning map, in which it is located.

**Section 4-2. *Existing Buildings and Land Uses.*** These regulations shall not apply to existing lawful buildings or structures, nor to the existing lawful use of any building or structure, or of land to the extent to which it is lawfully used at the time of the adoption of this Code, but it shall apply to any change of use thereof and to any alteration of a building or structure, subject to the provisions of Section 9-2 and Section 13-3.

**Section 4-3. *Construction Approved Prior to Adoption of Code.*** Nothing herein contained shall require any change in the plans, construction or intended use of a building for which a building permit has been issued previous to the effective date of this Code and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within such six months, and which entire building shall be completed according to such plans as filed within two years from said effective date of this code.

**Section 4-4. *Unsafe Structures.*** Nothing in this code shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

**Section 4-5. *District Changes.*** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein, but any relevant reference to the effective date of this code shall be construed as referring to the effective date of such district change.



## ARTICLE 5.

### *Administration and Procedure*

**Section 5-1. Enforcement.** It shall be the duty of the Building Commissioner of the City of Boston to enforce the provisions of this code in manner and form and with powers similar to those practiced or provided under the City of Boston Building Code. No permit shall be issued for the construction, alteration or moving of any building or part thereof unless the plans and intended use indicate that the building and the premises are to conform in all respects to the provisions of this code.

Upon any well-founded information in writing from any person aggrieved that the provisions of this code are being violated or upon his own initiative, the Building Commissioner shall take immediate steps to enforce the provisions of this code by causing complaint to be made before the Municipal Court of the City of Boston or by applying for an injunction in the Superior Court.

It shall be unlawful to use or permit the use of any premises or building or part thereof hereafter erected, or altered wholly or partly, or the yards, courts or other open spaces of which are in any way reduced, until the Building Commissioner shall have certified on the building permit or in case no building permit is issued, shall have issued a use permit specifying the use to which the premises or the building upon being sufficiently completed to comply with the provisions and regulations relating thereto, may be put.

**Section 5-2. Provision for Board of Appeal.** The Board of Appeal provided for in the Boston Building Code shall act as a Board of Appeal under this code, with the powers and duties specified in Section 8 of Chapter 665 of the Acts of 1956, and the members thereof shall receive for acting under this code the same compensation as provided in the aforesaid Building Code.

**Section 5-3. Procedure for Board of Appeal.**

(a) The Board of Appeal shall act in strict accordance with the procedure specified by law and by this zoning code. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the zoning code involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

(b) A record of every decision of the Board of Appeal shall be by resolution, and each such resolution shall be filed together with all the documents pertaining thereto by case number in the office of the Building Commissioner under one of the following headings: Interpretations, Conditional Uses, or Variances.

**Section 5-4. Limitation on Appeal.** If an appeal for an interpretation, conditional use, or variance is unfavorably decided on by the Board, no appeal for the same interpretation, conditional use, or variance shall be considered on its merits by the Board within one year after date of such unfavorable decision, except with the consent of not less than four-fifths of the members of the board.

## ARTICLE 6.

### ***Conditional Uses***

**Section 6-1. Permit for Conditional Uses.** As provided for in Section 10 of Chapter 665 of the Acts of 1956, the Board of Appeal may, in a specific case after public notice and hearing, authorize a permit for a use identified in Section 8-8, Table A: Use Regulations as a conditional use subject to the procedures and requirements set forth in Sections 6-2, 6-3, and 6-4.

**Section 6-2. Procedure for Application.** Each application for a conditional use shall be filed in triplicate with the Building Commissioner, who shall transmit notice thereof to the City Planning Board. The Planning Board shall, within twenty days of the date of such filing, transmit to the Board of Appeal a report, said report to be accompanied by such material, maps or plans as will aid the Board of Appeal in judging the application and in determining special conditions and safeguards. The Board of Appeal shall not render any decision on an application for a conditional use until said report has been received and considered or until the twenty-day period has expired, whichever is earlier.

**Section 6-3. Conditions Required for Approval.** The Board of Appeal shall approve any such application only if it finds that in its judgment all the following conditions are met:

- (1) the specific site is an appropriate location for such a use
- (2) the use as developed will not adversely affect the neighborhood
- (3) there will be no nuisance or serious hazard to vehicles or pedestrians
- (4) adequate and appropriate facilities will be provided for the proper operation of the proposed use

**Section 6-4. Other Conditions Necessary as Protection.** In approving a conditional use, the Board may attach such conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to the following:

- (1) requirement of front, side, or rear yards greater than the minimum required by this Code.
- (2) requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices, as specified by the Board of Appeal
- (3) modification of the exterior features or appearance of the structure
- (4) limitation of size, number of occupants, method or time of operation, or extent of facilities
- (5) regulation of number, design, and location of access drives or other traffic features
- (6) requirement of off-street parking or other special features beyond the minimum required by this or other applicable codes or regulations

## ARTICLE 7.

### *Variances*

**Section 7-1. Authorization for Variance.** A variance may be authorized by the Board of Appeal only for reasons of practical difficulty and demonstrable and substantial hardship.

**Section 7-2. Conditions for Authorization.** No variance from the specific terms of a zoning regulation or amendment shall be authorized by the Board of Appeal unless the Board finds:

(a) that there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought (such as but not limited to the exceptional narrowness, shallowness, or shape of the property in question, or exceptional topographical conditions) which circumstances or conditions are peculiar to such land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this zoning regulation or amendment would deprive the applicant of the reasonable use of such land or building, and

(b) that, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose, and

(c) that the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land, and traffic conditions in the vicinity.

**Section 7-3. Situation Requiring Report from City Planning Board.** In any of the following cases the same procedure shall be followed with respect to a report from the City Planning Board as is required for conditional uses as stated in Article 6.

(a) erection or alteration of a building to a height greater than that otherwise authorized under the provisions of this Code;

(b) a change involving a nonconforming use of land in excess of 20,000 square feet;

(c) a change involving a nonconforming use of an existing building or buildings with a gross floor area in excess of 2,000 square feet or a floor area ratio more than fifty percent greater than that permitted in the district in which it is located;

(d) a change involving a commercial or industrial use in a residential district, on a parcel of land not previously used for a commercial or industrial purpose;

(e) any other application for a variance with respect to which the City Planning Board certifies to the Board of Appeal not later than the date of the public hearing that the granting of such application would materially conflict with the planning principles and policies adopted by the City Planning Board.

**Section 7-4. Conditions Necessary as Protection.** In approving a variance, the Board may attach such conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to those listed in Section 6-4.

## ARTICLE 8.

### *Regulation Of Uses*

**Section 8-1. Uses Regulated by Districts.** In each district as established by Section 3-1 the use of land, structures and premises shall be regulated as provided in the following sections.

**Section 8-2. Allowed Uses.** No building or other structure or premises in any district shall be erected, used, arranged, or designed to be used, in whole or in part, for any use except under the provisions of Article 6 and Section 8-3, unless such use is specified in the use item column of Section 8-8, Table A: Use Regulations and there appears against it the letter "A" in the column headed by the designation of the district in question. Any use so identified shall be allowed as a matter of right, subject only to the requirements set forth in the use item column and in any footnotes to Table A.

**Section 8-3. Conditional Uses.** No building or other structure or premises in any district shall be erected, used, arranged, or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in the use item column of Table A: Use Regulations, and there appears set against it the letter "C" in the column headed by the designation of the district in question. The granting of a permit for any use so identified may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the requirements set forth in the use item column and in any footnotes to Table A.

**Section 8-4. Forbidden Uses.** No building or other structure or premises in any district shall be erected, used, arranged, or designed to be used, in whole or in part, for any use specified in the use item column of *Table A: Use Regulations* if there appears set against it the letter "F" in the column headed by the designation of the district in question, except for such nonconforming uses as may be allowed to be continued under the provisions of Article 9.

**Section 8-5. Uses Subject to Other Regulations.** Allowed and conditional uses shall be subject, in addition to use regulations, to such regulations of height, area, yard, set-back, lot size and area, lot width, building bulk, and courts, to such provisions for off-street parking and loading, and to such other provisions as are specified in other sections hereof.

**Section 8-6. Uses not Listed.** In the event of an application for a permit for a use not specified in the use column of *Table A: Use Regulations*, the Board of Appeal acting under Section 5-3 shall make an interpretation of the intent of this Code and shall determine in what district classification such use shall be deemed to be.

**Section 8-7. Pre-Existing Conditional Uses.** Any use existing on the effective date of this Code which is classified as a conditional use in the district in which the land occupied by the use is located shall be deemed to have been authorized as a conditional use subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or structure shall be subject to the procedures specified in Article 6.

**Section 8-8. Use Regulations.** Regulations pertaining to allowed uses (A), conditional uses (C), and forbidden uses (F), designated by S, R, H, L, B, M, I and W districts for all use items, are specified in the following table:

**TABLE A: USE REGULATIONS**

<u>No.</u>	<u>Use Item</u>	<u>District Designation</u>								
		<u>Residential</u>			<u>Business</u>		<u>Industrial</u>			
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>	
	<i>Single Family Dwelling</i>	<i>(see note below)</i>								
1.	Detached residence occupied by not more than one family	A	A	A	A	A	F	F	F	
2.	Semi-detached residence occupied by not more than one family on each side of a party wall	F	A	A	A	A	F	F	F	
3.	Attached or row house occupied by not more than one family in each unit between party walls	F	A	A	A	A	F	F	F	
	<i>Two-Family Dwelling</i>									
4.	Detached residence occupied by not more than two families, one living above the other	F	A	A	A	A	F	F	F	
5.	Semi-detached residence occupied by not more than two families on each side of a party wall	F	A	A	A	A	F	F	F	
6.	Attached or row house occupied by not more than two families in each structure between party walls	F	A	A	A	A	F	F	F	
	<i>Multi-Family Dwelling</i>									
7.	Building or group of buildings for occupancy by three or more families in separate dwelling units including apartment hotel without accessory services specified in Use Item No. 74	F	A	A	A	A	F	F	F	
	<i>Conversion of Dwelling Structure</i>									
8.	Any dwelling converted for more families where structure after conversion will conform to all applicable requirements	F	A	A	A	A	F	F	F	
9.	Any dwelling converted for more families where structure is not conforming as to floor area ratio, or yard dimensions,	F	C	C	C	C	F	F	F	

NOTE:

S = Single  
R = Two-family  
H = Apartment

L = Local  
B = General

M = Light  
I = General  
W = Waterfront

A = Allowed  
C = Conditional  
F = Forbidden

District Designation

<u>No.</u>	<u>Use Item</u>	<i>Residential</i>			<i>Business</i>		<i>Industrial</i>		
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>
	or will not when converted conform as to lot area per dwelling unit or parking requirement, provided that any non-conformity as to floor area ratio or yard dimension is not increased, and further provided that after conversion the lot area per dwelling unit and the off-street parking is not less than one-half the requirement for new structures								
	<i>Temporary Dwellings</i>								
10.	Temporary dwelling structure	C	C	C	C	C	C	C	C
	<i>Lodging House, Dormitory, etc.</i>								
11.	Lodging or boarding house	F	C	A	A	A	F	F	F
12.	Dormitory as part of an allowed institution	C	C	A	A	A	F	F	F
13.	Fraternity or sorority	F	C	C	C	A	F	F	F
14.	Hotel or apartment hotel	F	F	C	F <sup>o</sup>	A	F	F	F
	<sup>o</sup> Allowed in an L-2 district.								
15.	Motel	F	F	C	C	A	F	F	F
	<i>Educational Institution</i>								
16.	Elementary school, high school, college, or other school primarily for ages 5 through 22, not conducted as a gainful business, provided that in an S, R, H, or L district no active play space or parking area is nearer to any lot line than the required front yard depth	A	A	A	A	A	C	C	F
17.	Licensed day nursery, nursery school or kindergarten	C	A	A	A	A	C	C	F
18.	Trade, professional or other school for ages 16 and above, conducted as a gainful business	F	F	C	A	A	A	A	C
19.	Machine shop or other noisy activity accessory to a school, provided that in an S, R, H, L, or B district it is located at least 100 feet from any lot line, and sound-insulated to meet the approval of the Board of Appeal so as to protect the neighborhood from unnecessary noise	C	C	C	C	C	A	A	C

District Designation

<u>No.</u>	<u>Use Item</u>	<i>Residential</i>			<i>Business</i>		<i>Industrial</i>		
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>
<i>Other Institutional Uses</i>									
20.	Library or museum, open to the public or connected with an allowed educational or other institutional use, and not conducted as a gainful business	A	A	A	A	A	A	A	C
21.	Place of worship	A	A	A	A	A	A	A	A
22.	Licensed hospital, sanitarium, nursing, rest or convalescent home not for the care of drug or liquor patients, the insane or feeble-minded; boarding home for the aged or orphanage or other similar institution necessary to and serving the needs of the community and not for correctional purposes	C	C	A	A	A	C	C	C
23.	Hospital or similar institution for the care of drug or liquor patients, the insane or feeble-minded	F	F	F	F	C	C	C	F
24.	Penal or correctional institution, detention home	F	F	F	F	C	C	C	F
25.	Extension of an existing cemetery; columbarium or crematory, or mortuary chapel in an existing cemetery, provided that such crematory is not less than 300 feet from any boundary that abuts land in an S, R, or H district that is not part of a cemetery; and provided that such mortuary chapel is located no less than 150 feet from such boundary	A	A	A	A	A	A	A	F
<i>Recreational Facility</i>									
26.	Public park or playground, including accessory shelter; private grounds for games and sports	A*	A*	A*	A	A	C	C	F
27.	Public recreation or private community center building; adult education center building; settlement house; parish house	A*	A*	A*	A	A	C	C	F
28.	Private club or lodge, operated for members only	F	C*	A*	A	A	C	C	F
<p>* In S, R, &amp; H districts no recreational facility conducted as a gainful business shall be allowed and no outdoor active recreation areas or parking areas shall be located nearer to any lot line than the required front yard depth; indoor or outdoor noisy activities such as bowling or gymnasium must be at least 100 feet from any lot line and sound-insulated to meet the approval of Board of Appeal so as to protect the neighborhood from unnecessary noise.</p>									

District Designation

<u>No.</u>	<u>Use Item</u>	<i>Residential</i>			<i>Business</i>		<i>Industrial</i>		
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>
<i>Public Service Building</i>									
29.	Transformer station, sub-station, pumping station or automatic telephone exchange, provided that if in an S, R, or H district such public service building is essential to service of the residential area in which it is located, and that no public business office nor any storage yard or storage building is operated in connection with it	C	C	C	A	A	A	A	A
30.	Telephone exchange other than automatic, provided that if in an L district it is essential to the service of the area in which it is located	F	F	F	A	A	A	A	C
31.	Fire station	C	C	C	A	A	A	A	C
<i>Retail Business</i>									
32.	Stores primarily serving the local retail business needs of the residents of the vicinity, including grocery, bakery, food store, package store; dry goods, variety, clothing; hardware, paint, household appliances; books, tobacco, flowers, drugs; other similar stores	F	F	F	A	A	A	A	C
33.	Stores primarily serving the general retail business needs of a major part of the city, including general merchandise, department store, furniture and household goods; including accessory storage	F	F	F	F	A	A	A	C
34.	Sale of automobiles and trucks, where operation is carried on within the structure	F	F	F	F	A	A	A	C
<i>Eating Places and Entertainment</i>									
35.	Lunch room, restaurant, cafeteria, place for the sale and consumption of beverages, ice cream and the like, primarily in enclosed structures with no dancing or entertainment, other than phonograph, radio or television	F	F	F	A	A	A	A	C
36.	Place for sale and consumption of food and beverages, providing dancing or entertainment; theatre, motion picture theatre, or concert hall; bowling alley, dance hall, pool and	F	F	F	F	A	A	A	C



District Designation

<u>No.</u>	<u>Use Item</u>	<u>Residential</u>			<u>Business</u>		<u>Industrial</u>		
		<u>S</u>	<u>R</u>	<u>H</u>	<u>L</u>	<u>B</u>	<u>M</u>	<u>I</u>	<u>W</u>
	billiards, skating rink, or other social, sport or recreational center conducted as a gainful business, provided that any structure housing the recreational use in a B district is sufficiently sound-insulated to confine noise to the premises								
	<i>Office</i>								
37.	Clinic or office of architect, attorney, physician, dentist or other similar professional person or firm not accessory to a main residential use, conditionally allowed in an H-1, H-2 or H-3 district only when located within 200 feet of an H-4, or any L, B, M, I, or W district.	F	F	C	A	A	A	A	C
38.	Real estate, insurance and other agency office	F	F	F	A	A	A	A	C
39.	Bank, office building, post office, or other similar establishment	F	F	F	A	A	A	A	C
40.	Office, display or sales space of a wholesale, jobbing or distributing establishment, provided that no more than 25 per cent of floor space is used for assembling, packaging and storing of commodities unless authorized as a conditional use by the Board of Appeal.	F	F	F	F	A	A	A	C
	<i>Service Establishments</i>								
41.	Barber, beauty shop, laundry and dry-cleaning pickup agency, shoe repair, self-service laundry, or other similar establishment	F	F	F	A	A	A	A	C
42.	Hand laundry, dry-cleaning or tailoring, provided only non-flammable solvents are used for cleaning, and that personnel is limited to 5 persons at any one time in an L district	F	F	F	A	A	A	A	C
43.	Mortuary, undertaking or funeral establishment	F	F	F	C	A	A	A	C
44.	Printing shop, photographer's studio, taxidermist, or caterer, provided that personnel is limited to 5 persons at any one time in an L district	F	F	F	A	A	A	A	C
45.	Research laboratory, radio or television studio	F	F	F	F	A	A	A	C
46.	Steam laundry, dry cleaning and rug cleaning establishment	F	F	F	F	F	A	A	C

District Designation

<u>No.</u>	<u>Use Item</u>	<u>Residential</u>			<u>Business</u>		<u>Industrial</u>		
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>
<i>Open-Air and Drive-In Uses</i>									
47.	**Sale of flowers, garden supplies, agricultural produce, other similar drive-in open-air sales places or drive-in restaurants	F	F	F	C	C	A	A	C
48.	**Sale of new or used cars in open lots, or outdoor rental agency for automobiles, motorcycles, etc.	F	F	F	F	C	A	A	C
49.	**Golf driving-range; other outdoor commercial recreation	F	F	F	F	C	A	A	C
50.	**Drive-in theatre, stadium, or outdoor place of public assembly	F	F	F	F	C	A	A	C
51.	**Trailer park or tourist park	F	F	F	F	C	A	A	C
	** Access to drive-in uses shall be so arranged as to minimize hazard or inconvenience to vehicular or pedestrian traffic in the public street								
<i>Wholesale Business and Storage</i>									
52.	Wholesale business, and storage in roofed structure but not including wholesale storage of flammable liquids, gas or explosives	F	F	F	F	C	A	A	A
53.	Open-lot storage of new building material, contractors' equipment, machinery and metals other than scrap or junk, and similar materials, provided that any material stored in unenclosed premises in M districts to a height greater than 4 feet above grade level is surrounded by a substantial 7-foot high wall or tight fence	F	F	F	F	F	A	A	A
54.	Open-lot storage of coal, coke, sand, or other solid fuel or similar material or such storage in silos or hoppers, provided that all dust and dirt incident to storage or handling is effectively confined to the premises and further provided in M districts that any material stored in unenclosed premises to a height greater than 4 feet above grade level is surrounded by a substantial 7-foot high wall or tight fence. Storage of flammable liquids in amounts less than 15,000 gallons or of gases in amounts less than 10,000 cubic feet.	F	F	F	F	F	A	A	A

District Designation

<u>No.</u>	<u>Use Item</u>	<u>Residential</u>			<u>Business</u>		<u>Industrial</u>		
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>
55.	Open-lot storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other salvage articles, and wrecking and dismantling of motor vehicles; storage of flammable liquids in amounts more than 15,000 gallons or of gases in amounts more than 10,000 cubic feet, subject to securing a license from the Committee on Licenses of the Building Department; provided that all such uses are screened by a substantial 7-foot high wall or tight fence	F	F	F	F	F	F	C	C
<i> Vehicular Service and Storage </i>									
56.	Commercial parking lot or parking garage	F	F	F	C	A	A	A	C
57.	Gasoline service station or repair garage, provided that in L and B districts all washing, lubricating, and the making of repairs is carried on inside the building and that the structure housing major repairs, including auto body and paint shop, is sufficiently sound-insulated to confine noise to the premises, and any flashing, fumes, gases, smoke and vapor is effectively confined to the premises	F	F	F	C	C	A	A	C
58.	Rental agency for autos, trailers, motorcycles or bicycles, conducted entirely within a building	F	F	F	F	A	A	A	C
59.	Bus station or terminal; railroad passenger station	F	F	F	A	A	A	A	C
60.	Community garage or parking lot solely for the storage of cars of residents of nearby structures built prior to the effective date of this Code, when such facility is necessary to provide off-street parking for such vehicles	F	F	C†	A	A	A	A	C
61.	Parking lot abutting or across the street from an L, B, M, I, or W district, but only for the parking of passenger cars of employees, customers, or guests of an establishment controlling or operating such lot and located in the L, B, M, I, or W district, and provided no charge is made for parking	C†	C†	C†	A	A	A	A	C
<p>† In any automobile parking facility in an S, R, or H district no auto sales or repair services of any kind shall be allowed; no sale of gasoline or oil shall be allowed except entirely within a garage structure and only to tenants of such structure; parking lots shall be adequately screened from the street and from adjoining premises, and lighting so arranged as to prevent glare annoying to occupants of such premises; and no parking area shall be located within the required front yard, nor within a distance equal to the required side yard from any side or rear lot line adjoining premises in an S, R, or H district.</p>									

District Designation

<u>No.</u>	<u>Use Item</u>	<i>Resident</i>			<i>Business</i>		<i>Industrial</i>		
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>
<i>Transportation Uses</i>									
62.	Motor freight or bus terminal, and yards for the storing and servicing of trucks or buses; rail freight terminal facility, storage and yard accessory to railroad operations, provided that such freight terminals and yards are no less than 150 feet from an S, R, or H district, and truck entrances and exits abut on streets whose near curb loading platform facing such street is nearer than 80 feet from said center line and 50 feet from the street property line	F	F	F	F	F	C	A	C
63.	Water freight terminal facility, including docks, piers, wharves, storage sheds for water-borne commodities, and rail and truck facilities accessory to water port facilities, provided that such freight terminals and yards are no less than 150 feet from an S, R, or H district, and truck entrances and exits abut on streets whose near curb is no less than 20 feet from the centerline of such street; and further provided that no loading or unloading platform facing such street is nearer than 80 feet from said centerline and 50 feet from the street property line	F	F	F	F	F	C	A	A
64.	Helicopter landing facility	F	F	F	F	C	C	C	C
65.	Airport or other aircraft landing and servicing facility	F	F	F	F	F	F	C	C
<i>Industrial Uses</i>									
66.	Assembly, machine shop, manufacturing, auto repair, food processing, or other similar operation, whether making, repairing, finishing, packing or storing, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor is effectively confined to the premises or disposed of in a manner so as not to create a nuisance or hazard to safety or health; and further provided that no noise or vibration is perceptible without instruments at a distance greater than 50 feet from such premises.	F	F	F	F	F	A	A	C
	(A) Manufacture of gases in amounts less than 2,000 cubic feet per day, or storage of amounts less than 10,000 cubic feet.	F	F	F	F	F	C	A	C

District Designation

<u>No.</u>	<u>Use Item</u>	<u>Residential</u>			<u>Business</u>		<u>Industrial</u>		
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>
	(B) Manufacture of gases in amounts more than 2,000 cubic feet per day, or storage of amounts more than 10,000 cubic feet.	F	F	F	F	F	F	C	C
67.	Manufacture, assembly, processing, packaging, or other industrial operation that does not conform to item 66 above, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor is effectively confined to the premises or disposed of in a maner so as not to create a nuisance or hazard to safety or health; and further provided that no noise or vibration is perceptible without instruments either at a point more than 250 feet from the premises or at any point within the nearest residential district more than 50 feet beyond the nearest boundary of said district, whichever is farther from the premises.	F	F	F	F	F	F	C	C
68.	Industrial uses similar to those specified above, which require waterfront access for receipt or dispatch of materials or commodities or for other reasons	F	F	F	F	F	F	A	A
<i>Accessory Uses — Subject to the provisions of Article 10</i>									
69.	Garage or parking space for occupants, employees, customers or visitors, provided any accessory garage building in S or R districts does not exceed 10% of the lot area, and in H districts does not exceed 25% of the unbuilt lot area, or of the required rear yard area; and further provided that where accessory to uses in S, R, and H districts there is space for no more than 3 vehicles for each dwelling unit, of which not more than one may be a commercial vehicle which may not exceed 1½ ton weight or capacity	A	A	A	A	A	A	A	A
70.	Office, within main building, of resident physician, attorney, architect, or other member of recognized profession, provided that there is not more than one non-resident office or laboratory assistant, in an S district; 2 in an R district; and 3 in an H district	C	A	A	A	A	A	A	C
71.	Customary home occupation for gain, provided such allowed home occupation is carried on within a main building and requires only customary home equipment; and further	C	A	A	A	A	A	A	C

District Designation

<u>No.</u>	<u>Use Item</u>	<u>Residential</u>			<u>Business</u>		<u>Industrial</u>		
		<u>S</u>	<u>R</u>	<u>H</u>	<u>L</u>	<u>B</u>	<u>M</u>	<u>I</u>	<u>W</u>
	provided that no non-resident help is employed and that there is no trading in merchandise								
72.	The keeping of horses, cows, goats, or other similar animals, other than pigs, provided that no stable or enclosure for any single such animal is less than 100 feet from any existing residence building on other premises in any district, or any obvious residence building site on other premises in an S, R, or H district; and provided that no stable or enclosure for more than four such animals is less than 100 feet from any premises occupied by a church, school, playground, library, or building of a public or eleemosynary institution, except where that distance is intersected by a street at least 60 feet wide; and further provided that no stable or enclosure in an S, R, or H district is less than 100 feet from a street, nor contains more than 25 animals on the premises	C	C	C	C	C	C	C	C
73.	‡The keeping of poultry, pigeons, rabbits, or bees, provided that no enclosure for such is less than 50 feet from an existing residence building or other premises in any district, or from any obvious residence building site on other premises in an S, R, or H district; and further provided that no enclosure for poultry, pigeons, rabbits or bees in an S, R, or H district is less than 50 feet from a street, or contains more than a total of 25 birds or rabbits, or exceeds three colonies of bees on the premises.	C	C	C	C	C	C	C	C
	‡ All animal enclosures are subject to further regulations of applicable sanitary and other codes.								
74.	In multiple dwellings, hospitals or hotels with more than 50 sleeping rooms; newsstand, barber shop, dining room, and similar service primarily for occupants thereof when conducted and entered only from within the building	F	F	A	A	A	C	C	C
75.	The storage of flammable liquids and gases, accessory to any allowed use, subject to securing a license from the Committee on Licenses of the Building Department								
	(a) Flammable liquids for heating purposes only.	A	A	A	A	A	A	A	A
	(b) Flammable liquids for other purposes in amounts less than 15,000 gallons.	C	C	C	A	A	A	A	A
	(c) Flammable liquids for other purposes in amounts more than 15,000 gallons.	F	F	F	C	C	A	A	A

District Designation

<u>No.</u>	<u>Use Item</u>	<u>Residential</u>			<u>Business</u>		<u>Industrial</u>		
		<i>S</i>	<i>R</i>	<i>H</i>	<i>L</i>	<i>B</i>	<i>M</i>	<i>I</i>	<i>W</i>
	(d) Gases in amounts less than 1,000 cubic feet (in S, R, or H districts only accessory to allowed medical institutions).	A	A	A	A	A	A	A	A
	(e) Gases in amounts greater than 1,000 but less than 10,000 cubic feet (in S, R, or H districts only accessory to allowed medical institutions). Cubic feet measured at normal atmospheric pressure.	C	C	C	C	C	C	C	A
76.	Manufacture, assembly, or packaging of products sold on the premises, provided that in L districts, no products are processed for sale elsewhere than on the premises and personnel as engaged is limited to 5 persons at one time.	F	F	F	A	A	A	A	C
77.	Repair garage accessory to auto sales provided that all washing, lubricating and the making of repairs is carried on inside the building; and further provided that the structure housing major repairs is sufficiently sound-insulated to confine noise to the premises, and that any flashing, fumes, gases, smoke and vapor is effectively confined to the premises	F	F	F	F	A	A	A	C
78.	Permanent dwellings for a limited number of personnel required to reside on the premises for the safe and proper operation of an allowed main use	A	A	A	A	A	C	C	C
79.	General industrial use including any manufacturing, commercial or other non-residential use, accessory to an allowed use in an M or W district, provided such uses are operated in a manner which do not create a hazard to safety or health in adjoining premises, or nuisance in a predominantly industrial area	F	F	F	F	F	C	A	C
80.	Any other use accessory to and customarily incident to an allowed main use, unless specifically forbidden in that district, and provided it is subject to any conditions attached to the main use and, in M, I, and W districts to the same performance standards as the main use	A	A	A	A	A	A	A	A

## ARTICLE 9.

### *Nonconforming Uses*

**Section 9-1. Substitution.** An existing nonconforming use may be replaced by another nonconforming use, provided the substituted use is approved by the Board of Appeal under Article 6 as not more objectionable or detrimental to nearby uses and subject to such appropriate conditions and safeguards as the Board may impose, and provided further that the substituted use is not prohibited in the most restricted district in which such existing nonconforming use is allowed.

**Section 9-2. Alteration or Extension.** An existing nonconforming building or use may be altered, reconstructed or enlarged upon the same or an adjoining lot owned by the owner of the nonconforming use on the effective date of this Code, provided such building or use is increased neither in volume nor in area during its life by more than twenty-five percent nor is altered or reconstructed during its life to an extent exceeding fifty percent of its value as determined by replacement cost less depreciation on the effective date of this Code; and provided further that any such alteration or extension is approved by the Board of Appeal in the manner provided in Article 6.

**Section 9-3. Change to a More Restricted Use.** If a nonconforming use of building or land shall have been changed to a more restricted use, it may not be changed back to the less restricted use.

**Section 9-4. Rebuilding or Restoration.** If a nonconforming building or use shall have been destroyed or damaged by fire, explosion, or other catastrophe to such an extent that the cost of restoration would be less than fifty percent of the value of the building as determined by replacement cost less depreciation at the time of the catastrophe, such building or use may be rebuilt or restored and used again as previously. Such rebuilding or restoring shall be completed within twelve months after such catastrophe, and the building as restored shall not be greater in volume or floor space than the original nonconforming structure. If destroyed to such an extent that the cost of restoration would exceed fifty percent of said value, such building or use shall not be restored and may be replaced only by a conforming building and use.

**Section 9-5. Abandonment.** A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when the intent of the owner to discontinue the use is apparent, or when the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year, unless other facts show intention to resume the nonconforming use.



## ARTICLE 10.

### *Accessory Uses*

**Section 10-1. Limitation of Area.** No accessory use shall occupy

- (a) more than twenty-five percent of the floor area of the principal building
- (b) more than twenty-five percent of the unbuilt lot area, or of the required rear yard area, other than required off-street parking
- (c) part of the required front or side yards, other than off-street parking

**Section 10-2. Use Prohibited.** No use prohibited as a main use in a less restricted district shall be allowed as an accessory use.

**Section 10-3. Restriction in Residential Districts.** In any residential district, no accessory use shall be allowed which involves or requires any of the following:

- (a) The employment of any person, other than domestic servant, not resident in the dwelling unit, except for uses allowed under Section 8-8, Table A, Use Item No. 69, 70, and 74.
- (b) The conduct of a boarding house or lodging house in all S and R districts.
- (c) The maintenance of a stock in trade except for uses allowed under Section 8-8, Table A, Use Item No. 74, or the use of show windows or displays or advertising visible outside the premises to attract customers or clients, other than professional announcement signs
- (d) The conduct of a business office open to the public

**Section 10-4. Temporary Accessory Uses.** The Building Commissioner may grant a permit for a nonconforming temporary building or use incidental to the development of a neighborhood and where reasonably required for such development, such permit to be issued for an initial period of not more than two years, and in the case of a building, only upon application accompanied by a bond and bill of sale to the City, effective in case the building is not removed prior to the expiration of the permit. Permits may be renewed by the Commissioner for successive periods of not more than two years each.

ARTICLE 11.

*Signs*

**Section 11-1. Signs in Residential Districts.** In any residential district no billboard, signboard or advertising sign shall be allowed except as follows:

(a) One sign displaying the street number or name of the occupant of the premises, or both, not exceeding two square feet in area. The sign may be attached to the building or may be on a rod or post not more than four feet high and at least three feet from the street line. Such sign may be lighted by continuous reflected illumination only. In H districts such sign may also identify an allowed use.

(b) A bulletin or announcement board for an allowed church or institution, not exceeding 20 square feet in area. Such sign may be lighted by continuous reflected illumination only, and may not be located nearer to the street than half the depth of the required front yard.

(c) A sign in connection with a lawfully maintained nonconforming use, subject to the provisions of Section 11-2.

(d) A "For Sale" or "For Rent" sign, not exceeding four square feet in area, and advertising the property on which such sign is located.

(e) Building contractors' signs maintained on buildings while the same are actually under construction, provided that no such sign shall exceed 12 square feet in area.

(f) Temporary signs in undeveloped sections, referring to property in the undeveloped section on which the sign is erected, when authorized by the Board of Appeal, provided that no such permit shall be authorized for more than one year at a time.

**Section 11-2. Signs in Neighborhood Business (L) Districts.**

(a) As allowed in Residential Districts

(b) Billboards, signs, and other advertising devices subject to regulation under Sections 29-33, Chapter 93 of the General Laws or any subsequent amendments thereto shall be allowed as regulated by such laws.

(c) Other signs and advertising devices shall be subject to such rules and regulations relating to the fabrication and erection of signs as may from time to time be promulgated by the agency of the City of Boston having jurisdiction thereover. In addition, such signs and advertising devices erected, attached, or painted upon the wall of a building, upon the roof of a building, or elsewhere upon a lot shall be subject to the following limitations as to aggregate area of sign or signs, whichever limitation allows the greater area:

<i>Sign or signs facing towards and visible from a lot line that is adjacent to, or facing across, a street upon property in</i>	<i>Square foot area per foot of lot line length</i>	<i>Percentage of area of wall substantially parallel to lot line</i>
(1) L, B, M, I or W districts	No limit	No limit
(2) S, R or H districts	1 sq. ft.	10%

**Section 11-3. Signs in Other Districts.** In B, M, I and W districts, billboards, signs, or other advertising devices as allowed and as regulated by other applicable laws and regulations.

## ARTICLE 12.

### *Transition Zoning*

**Section 12-1. Lots in Two Districts.** Where a district boundary line as shown on the zoning map divides a lot which was in single ownership and of record at the time this code is adopted, the uses allowed and the other district requirements applying to the less restricted portion of the lot shall be considered as extending to as much of the entire lot as is within 30 feet of said dividing district boundary line, and the use so extended shall be deemed to be conforming.

**Section 12-2. Lots in Residential District Adjacent to Business or Industrial District.** Where a lot in an S or R district abuts a lot in an L, B, M, I or W district along a side lot line, the part of such lot within 50 feet of the district boundary may be used in accordance with the use requirements of the next less restricted residential zone, provided that the height, area, and yard restrictions of the district in which it is located are met. Any structure located or built on such first 50 feet of such lot may be used for professional offices, private clinics, insurance, institutional and real estate offices, and such other semi-commercial uses as determined by the Board of Appeal to be of similar character, provided it complies with the height, area, and yard regulations of the zone in which it is located.

**Section 12-3. Lots in Business or Industrial Districts Adjacent to Residential District.** Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district. Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in the L, B, M, I or W district shall be equal to the required front yard depth of the S, R, or H district for a distance of 100 feet measured along the street line from the boundary between the two districts.

Section 13-1.

TABLE B: DIMENSIONAL REQUIREMENTS FOR HEIGHT, AREA, YARD AND SETBACK, by zoning districts

District	Type of Use	LOT SIZE minimum in square feet	LOT AREA min. sq. ft. per dwelling unit in addition to 1	LOT WIDTH minimum in feet	FLOOR AREA RATIO maximum	HEIGHT OF BUILDINGS maximum in stories in feet	OPEN SPACE min. sq. ft. usable per dwelling unit	FRONT YARD min. depth in feet	SIDE YARD minimum width in feet	REAR YARD min. depth in feet	SET BACK OF PARAPET min. distance from any lot line (See Article 21)	REAR YARD max. % occupied by accessory building	
<b>RESIDENCE DISTRICTS</b>													
S-3	1-family detached	9,000	none	70	0.3	2½ 35	none	30	12	50	none	25%	
	Other allowed use		6,000										60
S-5	1-family detached	6,000	none	60	0.5	2½ 35	none	25	10	40	none	25	
	Other allowed use		4,000										50
R-5	1 & 2 fam. detached	5,000	3,000	50	0.5	2½ 35	none	20	10	40	none	25	
	Any other dwelling	2 acres		200			1,000						25
	Other allowed use	5,000		50			none						25
R-8	1 & 2 family row	3,000 (semi-detached)	2,000 (attached)	none	0.8	3 35	800	20	10 (semi-det.)	40	none	25	
	Any other dwelling	5,000		50			800						20
	Other allowed use	5,000		50			none						25
H-1	1 & 2 family row	2,000 (semi-detached)	1,500 (attached)	none	1.0	none none	400	20	10 (semi-det.)	30	H + L / 6	25	
	Any other dwelling	5,000		50			400						20
	Other allowed use	5,000		50			none						25
H-2	Any det. dwelling	5,000	none	none	2.0	none none	150	20	10 + L / 20	10 + L / 20	H + L / 6	30	
	Any other dwelling	none					150						none
	Other allowed use	none					none						none
H-3	Any det. dwelling	5,000	none	none	3.0	none none	100	15	10 + L / 20	10 + L / 20	H + L / 6	35	
	Any other dwelling	none					100						none
	Other allowed use	none					none						none
H-4	Any det. dwelling	5,000	none	none	4.0	none none	50	15	10 + L / 20	10 + L / 20	H + L / 6	40	
	Any other dwelling	none					50						none
	Other allowed use	none					none						none
<b>BUSINESS DISTRICTS</b>													
L-5	Any dwelling	*	*	*	0.5	2½ 35	*	*	(See Sec. 19-11)	(See Sec. 20-6)	none	none	
	Other allowed use	none	none	none			none	15	none	40			
L-1	Any dwelling	*	*	*	1.0	3 35	*	*	*	*	none	none	
	Other allowed use	none	none	none			none	10	none	30			
L-2	Any dwelling	*	*	*	2.0	none none	*	*	*	*	H + L / 6	none	
	Other allowed use	none	none	none			none	none	none	10 + L / 20			
B-1	Any dwelling	*	*	*	1.0	3 40	*	*	*	*	H + L / 6	none	
	Other allowed use	none	none	none			none	none	none	10 + L / 20			
B-2	Any dwelling	*	*	*	2.0	none none	*	*	*	*	H + L / 6	none	
	Other allowed use	none	none	none			none	none	none	10 + L / 20			
B-4	Any dwelling	*	*	*	4.0	none none	*	*	*	*	H + L / 6	none	
	Other allowed use	none	none	none			none	none	none	10 + L / 20			
B-8	Any dwelling	*	*	*	8.0	none none	*	*	*	*	H + L / 7	none	
	Other allowed use	none	none	none			none	none	none	10 + L / 20			
B-10	Any dwelling	*	*	*	10.0	none none	*	*	*	*	H + L / 8	none	
	Other allowed use	none	none	none			none	none	none	10 + L / 20			
<b>INDUSTRIAL DISTRICTS</b>													
M-1	Any allowed use	none	none	none	2.0	2½ 35	none	20	(See Sec. 19-11)	20	H + L / 6	none	
M-2	Any allowed use	none	none	none	2.0	none none	none	none	(See Sec. 19-11)	12	H + L / 6	none	
M-4	Any allowed use	none	none	none	4.0	none none	none	none	(See Sec. 19-11)	12	H + L / 6	none	
M-4	Any allowed use	none	none	none	8.0	none none	none	none	(See Sec. 19-11)	12	H + L / 7	none	
I-2	Any allowed use	none	none	none	2.0	none none	none	none	(See Sec. 19-11)	12	H + L / 6	none	
W-2	Any allowed use	none	none	none	2.0	none none	none	none	(See Sec. 19-11)	12	H + L / 6	none	

† See Sections 15-2 and 15-3 for cases where maximum floor area ratio may be exceeded.

\* See Section 13-4.

Note: L = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to the lot line (for setback calculations, include length of higher walls at same distance from lot line or nearer to lot line).

H = height of building.

## ARTICLE 13.

### *Dimensional Requirements*

**Section 13-1. District Regulations.** Regulations for each district pertaining to minimum lot size, minimum lot area per dwelling unit, minimum lot width, maximum height of buildings, minimum usable open space per dwelling unit, minimum front yard depth, minimum side yard width, minimum rear yard depth, minimum setback distance of parapet from any lot line, maximum per cent of rear yard occupied by accessory building for each class of land use shall be as specified in Table B: Dimensional Requirements, subject to the further provisions of Sections 13-2, 13-3, and 13-4.

**Section 13-2. Lot Area or Yards Required.** In computing the area of the lot or the dimensions of the yards required for any building or use, there shall not be included any land which was previously required in order to constitute the necessary minimum area or required yard space for any other building or use, and which would be required to meet the requirements for such other building or use if it were simultaneously being erected in the first instance. This prohibition shall apply whether or not the land so originally required is still in the same ownership as the building or use to meet the dimensional requirements for which it was originally needed.

**Section 13-3. Nonconformity as to Dimensional Requirements.** A building or use that existed on the effective date of this Code and that does not conform to one or more dimensional requirements specified in Articles 13-23 inclusive, may nevertheless be altered or enlarged, provided no such prior nonconformity is increased and provided any enlargement itself conforms to such dimensional requirements.

**Section 13-4. Dwellings in Business Districts.** Any dwelling located within an L or B district shall conform to the lot area and yard requirements for the adjacent S, R, or H district. If adjacent to more than one residence district, the regulations of the more restricted shall apply between the residential boundary and the nearest street, or half-way to the boundary of the less restricted district, whichever is greater.

ARTICLE 14.

**Lot Size, Area And Width**

**Section 14-1. Minimum Lot Size.** Where a minimum lot size is specified in Section 13-1, Table B: Dimensional Requirements, no main building or use shall be erected or established on any lot of lesser size, except as may be allowed by Section 14-6.  
Illustration (not part of regulations) of Section 14-1.

R - .5 DISTRICT		R - .8 DISTRICT		
100 ft.	1 <u>Dwelling Unit</u> 5,000 s.f.	2 <u>Dwelling Units</u> 1st - 5,000 sq. ft. 2nd - 3,000 sq. ft. 8,000 sq. ft.	2 <u>Dwelling Units</u> 1st - 5,000 s. f. 2nd - 1,500 s. f. 6,500 s. f.	4 <u>Dwelling Units</u> 1st - 5,000 sq. ft. 2nd - 1,500 " " 3rd - 1,500 " " 4th - 1,500 " " 9,500 sq. ft.
	50 ft.	80 ft.	65 ft.	95 ft.

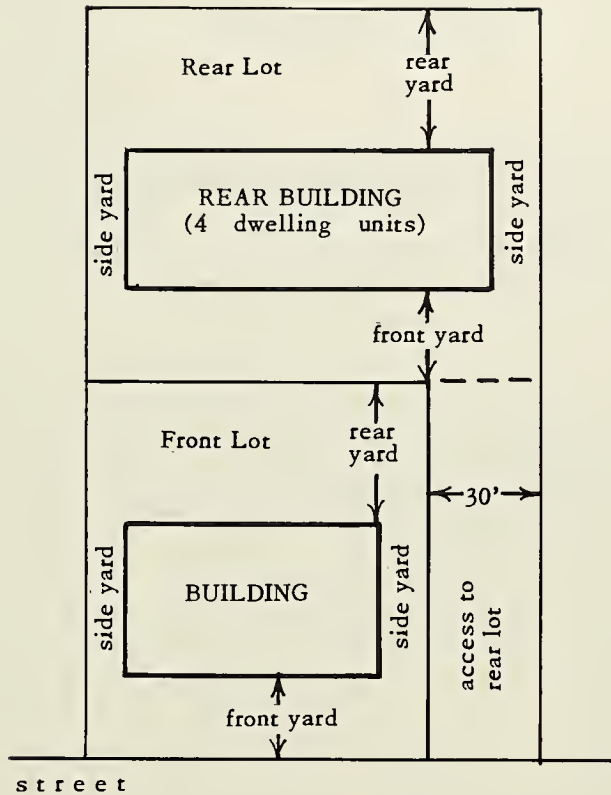
**Section 14-2. Lot Area per Dwelling Unit or Equivalent.** Where a minimum lot area per dwelling unit is specified in Section 13-1 Table B: Dimensional Requirements, the minimum lot area for the first dwelling unit to be provided on a lot shall be the minimum lot size, and in addition a minimum lot area shall be provided on such lot for each additional dwelling unit as specified in the Table. For residential structures not divided into dwelling units, such as hospitals, dormitories or lodging houses, each two guest-sleeping-rooms and each two hospital or four dormitory beds shall be considered to be equivalent to one dwelling unit. For non-residential structures or structures where non-residential accommodations are combined with residential accommodations, each 1,500 square feet of gross floor space devoted to such non-residential uses shall be considered to be equivalent to one dwelling unit.

**Section 14-3. Lot Width.** Where a minimum lot width is specified in Section 13-1 Table B: Dimensional Requirements, no main building shall be erected on any part of a lot which has a width less than is specified in the Table, except as may be allowed by Section 14-6.

**Section 14-4. Lot Frontage.** Where a minimum lot width is specified in Section 13-1, each lot shall have a minimum frontage on a street not less than the required width, with the following exceptions:

- (a) Where a lot fronts on the outer curve of a curved street, the frontage may be less but the width of the lot at the depth of the required front yard shall be not less than the required width.
- (b) Where a lot is located to the rear of another lot or lots, it shall have access to a street over land that is not a part of any other lot.

Illustration (not part of regulations) of Section 14-4(b).



Where number of dwelling units on rear lot is:

- 1 to 3
- 4 to 7
- 8 to 12
- over 12

Minimum width and street frontage of access shall be:

- 20 feet
- 30 feet
- 40 feet
- 50 feet

No part of such access that is less than the required lot width as specified in Section 13-1, Table B, shall be counted as part of the required lot area of such rear lot, nor as part of the required yard space for any structure to be built on such rear lot. The required front yard for such a structure shall be measured from the rear line of the lot to the rear of which it is located.

**Section 14-5. Building on Rear of a Lot.** Where an allowed main building is to be located on the same lot with and to the rear of another allowed main building in a residential district, each such building shall be independently provided with all required front, side and rear yards and required lot area, and the distance between such buildings shall not be less than twice the required rear yard depth. Free and unobstructed entranceway shall be provided for access from the street to the rear building, which shall not be within the required side yard of the front building and shall not be counted as part of the required lot area for either building.

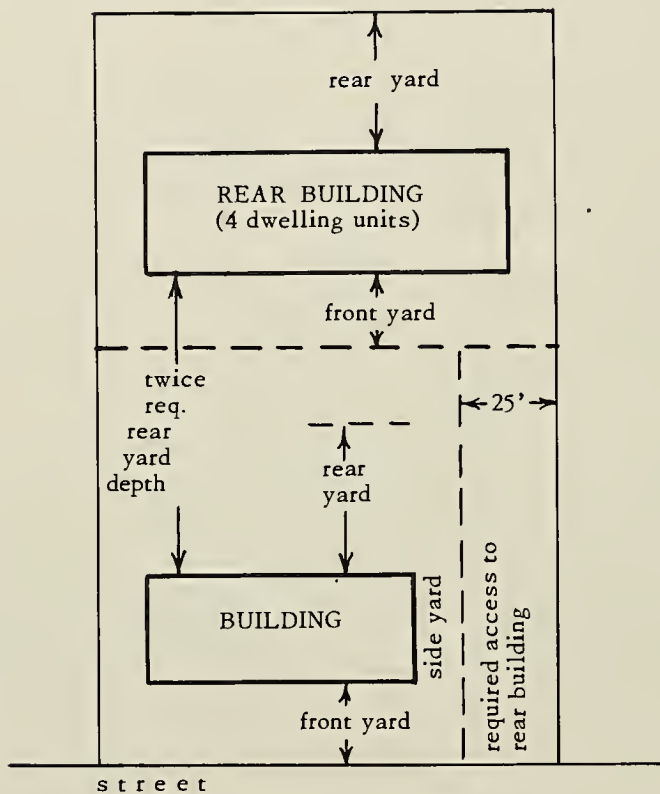
Where number of dwelling units in rear building is:

Minimum width and street frontage of access shall be:

1 or 2	15 feet
3 to 7	25 feet
8 to 12	40 feet
over 12	50 feet

These provisions shall also apply to residence buildings in other districts.

Illustration (not part of regulations) of Section 14-5.



**Section 14-6. Exceptions.** The provisions of Sections 14-1 and 14-3 shall not prevent the construction or alteration of a single family dwelling, provided the yard requirements are observed, on any lot in separate ownership which was duly recorded by plan or deed or was assessed as a separate parcel prior to the effective date of this Code. This exemption shall not apply to any two or more contiguous lots in a single ownership as of or subsequent to that date in any case where a replotting or replatting could create one or more lots which would conform to the above provisions, except that the Board of Appeals may permit the construction of a single family dwelling on a lot that provides less than the required area and width if it finds that such a replotting or replatting cannot reasonably be done without creating or retaining such a nonconforming lot or lots. In so waiving this replotting requirement the Board shall not permit the creation or retention of any lot size or lot width less than three-fourths of the specified requirement unless more than half of the frontage on the same street between the two nearest intersecting streets is already built up with lesser lot sizes or lot widths.



ARTICLE 15.

***Building Bulk***

**Section 15-1. Floor Area Ratio.** For any building or group of buildings on a lot, the ratio of gross floor area to lot area shall not exceed the maximum specified in Sections 13-1, Table B. For the purpose of this calculation, gross floor area shall not include basements, unenclosed porches, or attics, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of these regulations.

**Section 15-2. Provision for Excess Floor Area Ratio By Extra Parking.**

(a) For residential buildings in H and B districts, the allowable floor area ratio may be increased by 10 percent of the maximum specified in Section 13-1 for each off-street car space provided per 10 dwelling units in addition to the number required by Article 24; subject to the limits in Section 15-4.

(b) For non-residential buildings in H and B districts; the allowable floor area may be increased by 600 square feet in addition to that allowed under the maximum floor area ratio specified in Section 13-1, Table B for each off-street car space provided in addition to the number, if any, required by Article 24; subject to the limits in Section 15-4.

**Section 15-3. Provision for Excess Floor Area Ratio By Frontage on Wide Street or Public Open Space.**

(a) Where a lot in an H or B district abuts on a street or public open space more than 100 feet wide, one-quarter of the excess over 100 feet but not more in any case than 40 feet may be added to the actual depth of the lot for calculating the lot area to be used in determining allowable gross floor area based on the maximum floor area ratio specified in Section 13-1, Table B, subject to the limits in Section 15-4.

**Section 15-4. Limitation to Excess Floor Area Ratio Provisions under 15-2 and 15-3.**

In no case shall floor area ratio exceed the following limits:

<i>Zoning district Max. Floor Area Ratio</i>	<i>Where Section 15-2 Applies</i>	<i>Where Section 15-3 Applies</i>	<i>Where Both Sections 15-2 and 15-3 Apply</i>
1.0	1.2	1.2	1.3
2.0	2.5	2.5	3.0
3.0	4.0	4.0	5.0
4.0	5.5	5.5	7.0
8.0	10.0	10.0	12.0
10.0	12.0	12.0	14.0

ARTICLE 16.

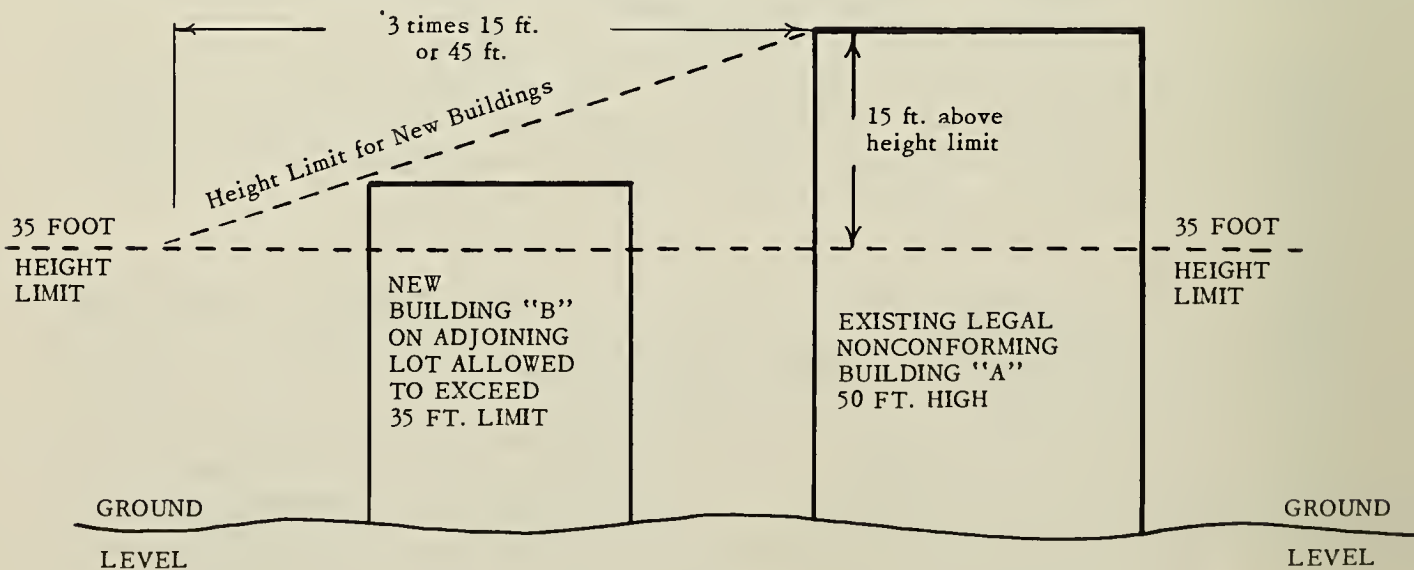
**Height Of Buildings**

**Section 16-1. Maximum Height of Buildings.** Where a maximum height of buildings is specified in Section 13-1, Table B, no building or part of a building shall exceed the specified number of stories or feet in height, except as allowed in Sections 16-2 and 16-3.

**Section 16-2. Exceptions.** The provisions of Section 16-1 shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, flag poles, masts, aerials, elevator headhouses, water tanks, monitors, signs, or other structures normally built above the roof and not devoted to human occupancy. Such structures, however, shall be erected only to such heights and of such areas, as are necessary to accomplish the purpose they are normally intended to serve.

**Section 16-3. Exceptions Adjoining Nonconforming Structures.** Wherever a legally existing structure not exempted under Section 16-2 exceeds the height limits specified in Section 13-1, Table B, a structure may be built on an adjoining lot to a height greater than said height limits. The new structure, however, shall not project above a line drawn between the highest point of the nonconforming structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

Illustration (not part of regulations) of Section 16-3.



## ARTICLE 17.

### ***Open Space Requirement For Residences***

***Section 17-1. Minimum Usable Open Space.*** Where a minimum usable open space per dwelling unit is specified in Section 13-1, Table B, there shall be included in every lot used in whole or in part for dwelling units intended for family occupancy a total area allotted, designed appropriately, developed and maintained for outdoor use and enjoyment at the rate specified in the Table, except that in H-3 and H-4 districts all or part of this requirement may be met by suitably designed and accessible space on balconies or on the roof of accessory buildings or wings of main buildings.

***Section 17-2. Exception for Residential Structures designed for Transient Occupancy.*** This requirement shall not apply to hotels, hospitals, or other residential structures intended and designed primarily for transient occupancy.

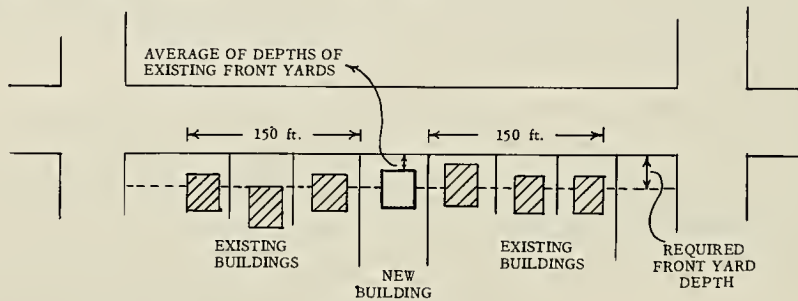
ARTICLE 18.

**Front Yards**

**Section 18-1. Front Yard Requirements.** Where a minimum depth of front yard is specified in Section 13-1, Table B, no building or structure shall be erected within the specified distance from the street line except as may be allowed hereafter.

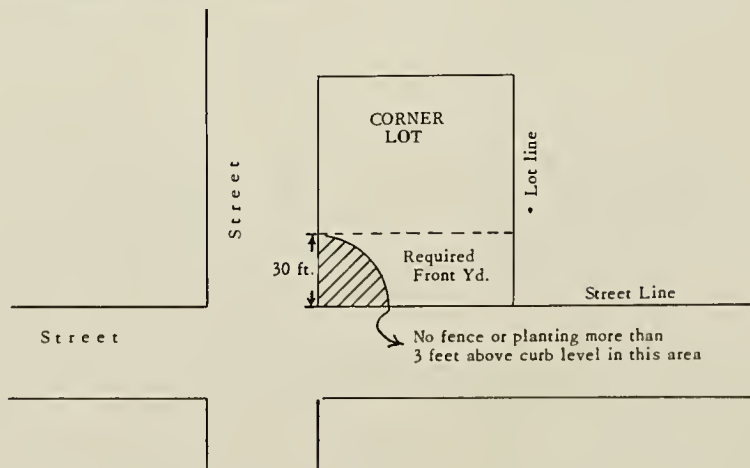
**Section 18-2. Exceptions for Existing Alignment.** If the alignment of two or more existing buildings on each side of a lot within a distance of 150 feet and fronting on the same side of the same street between the nearest two intersecting streets is nearer to or farther from the street than required front yard depth, the average of such existing alignment within that distance shall be the required front yard line.

Illustration (not part of regulations) of Section 18-1.



**Section 18-3. Traffic Visibility across Corners.** In any district where a front yard is required, no structure, fence, or planting shall be maintained within 30 feet of any corner street lot line intersection and within the required front yard, above a height of 3 feet above curb level or so as to interfere with traffic visibility across the corner.

Illustration (not part of regulations) of Section 18-3.



**Section 18-4. Fences and Terraces.** With the exception of Section 18-3, the provisions of Section 18-1 shall not apply to front fences, hedges or walls not over four feet high above the average natural grade in the required front yard nor to terraces, steps, uncovered porches or other similar features not over three feet high above the level of the floor of the ground story.

ARTICLE 19.

**Side Yards**

**Section 19-1. Side Yard Requirements.** Where a minimum width of side yards is specified in Section 13-1, Table B, no building or structure shall be erected within the specified distance from either side lot line.

**Section 19-2. Side Yards in H Districts.**

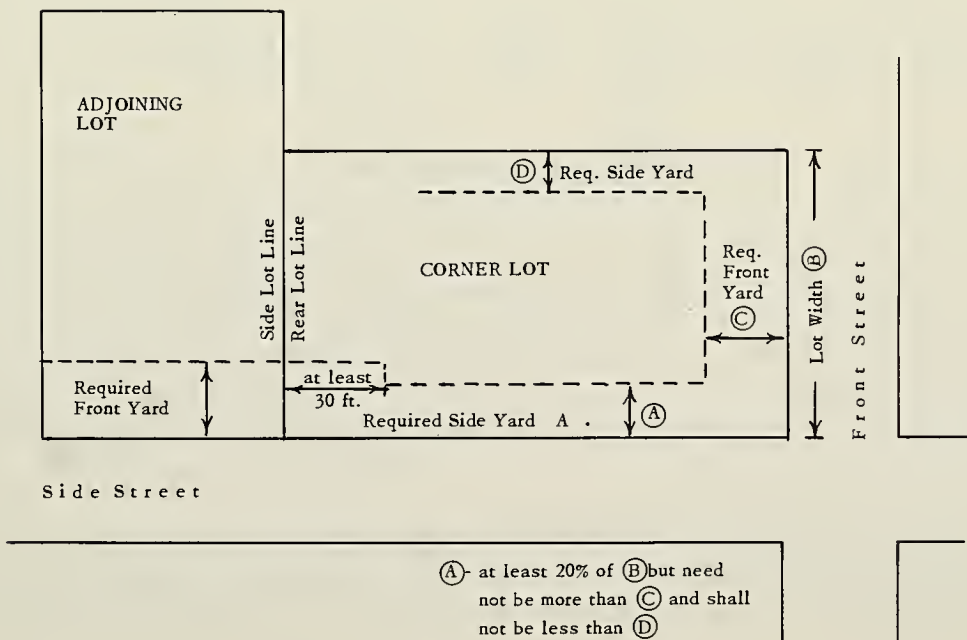
(a) No side yard need be wider than 20 feet.

(b) No side yard is required between the required front yard and a line 70 feet back therefrom, except for special requirements pertaining to corner lots as set forth in Section 19-4.

**Section 19-3. Limit on Dimensions of Corner Lot.** The owner of a corner lot shall, for the purposes of this Code, have the privilege of calling either street lot line the front, except that for any frontage of a parcel more than 100 feet from the intersection of two street lot lines the front yard and front setback requirements shall apply.

**Section 19-4. Side Yards for Corner Lots.** Where the rear lot line of a corner lot is also the side line of an adjoining lot fronting on the side street, the front yard requirement applicable to such adjoining lot shall also apply to the rear 30 feet of the corner lot along the side street next to the side line of the adjoining lot. For the rest of the corner lot, the side yard requirement along the side street line shall be 20 per cent of the width of the corner lot measured at the front yard line, but need not be greater than the required front yard depth and shall not be lesser than the normal side yard width. In H districts, the yard requirement along the side street line of a corner lot shall be one-half the required front yard depth.

Illustration (not part of regulation) of Section 19-4.

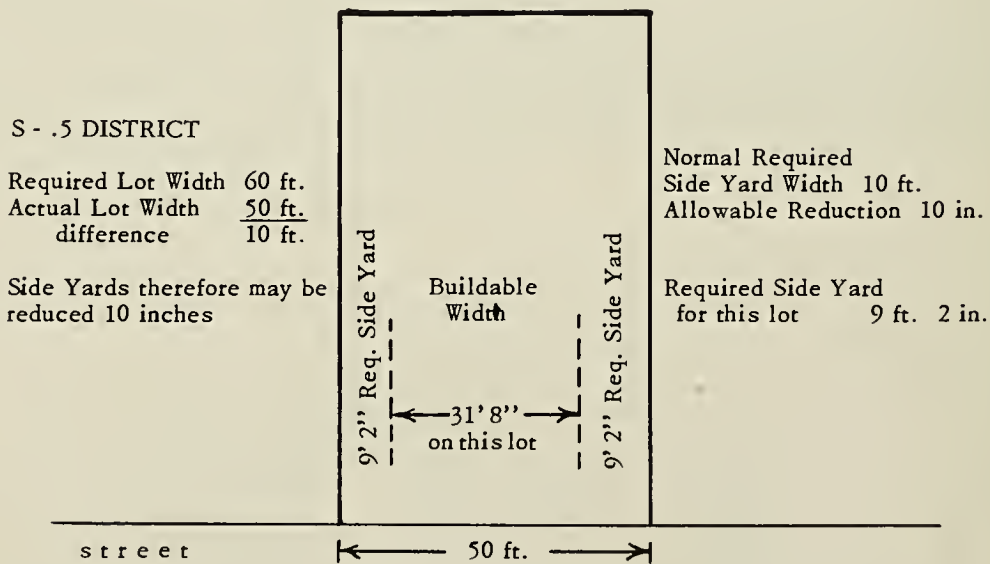


**Section 19-5. Side Yards containing Driveways.** No side yard containing a driveway providing access to a required parking or loading space shall be less in width than 15 feet in an S, R, or H district, or 12 feet in any other district.

**Section 19-6. Projections into Side Yards.** Bays, balconies, chimneys, flues and fire escapes may project into a required side yard not more than one-third of its width, and not more than 3-1/3 feet in any case. Open iron fire escapes and ground story bays and porches not over half the length of the side wall may project into any side yard 3 1/2 feet. Belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and gutters not more than 2 feet, over a required side yard. In no case shall any such projection come within 3 feet of any side lot line. The exceptions specified in Section 18-4 for structures and hedges in required front yards shall apply in like manner to required side yards, except that walls, fences, or hedges may be 6 feet high.

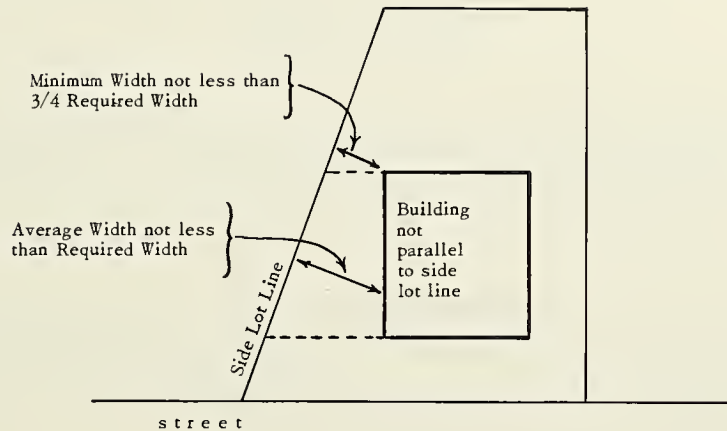
**Section 19-7. Reduction of Side Yards for Narrow Lots.** For each foot by which a lot on the effective date of this Code is narrower than the required width, or narrower than 50 feet where no minimum width is required, one inch shall be deducted from the required width of any side yard, provided that no side yard shall be narrower than 8 feet in any S, R, or H district or 6 feet in any other district.

Illustration (not part of regulations) of Section 19-7.



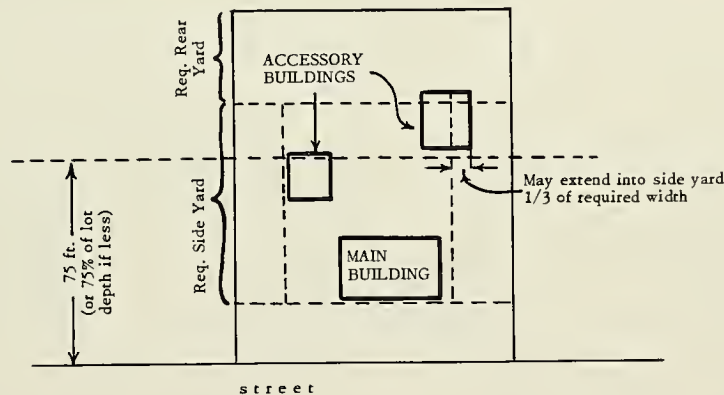
**Section 19-8. Side Walls not Parallel to Lot Line.** Where a side wall of a building is not parallel with the side lot line, the required width of any side yard may be taken as the average width, provided the said side yard shall not be narrower at any point than three-fourths of the required width.

Illustration (not part of regulations) of Section 19-8.



**Section 19-9. Garages: Distance from Lot Lines.** In any S, R, or H district no part of any accessory building or garage situated within 75 feet, or within a distance equal to 75 per cent of the lot depth if that be less, of the street line shall extend within any required side yard. Elsewhere in the lot it may extend into the side yard one-third of the required width.

Illustration (not part of regulations) of Section 19-9.



**Section 19-10. Spacing between Buildings on Same Lot.** Where two or more buildings are designed to be built on the same lot, they shall be separated from each other by yards of such minimum dimensions as would be required if each building were located on a separate lot, and their cornice lines shall be set back from assumed lot lines to which they are parallel or substantially parallel by the distances specified in Section 13-1, Table B. The Board of Appeal may, by a conditional use, modify the strict application of this section in a specific case where it is demonstrated to the Board that said modification will provide light, air, ventilation, and sunlight for all rooms intended for human occupancy, and open space for all occupants of a standard no lower than would be provided under said requirements.

**Section 19-11. Side Yards in Business or Industrial Districts.** No side yards are required for allowed uses, other than dwellings, in L, B, M, I or W districts except where a side lot line abuts an S, R, or H, district, in which case the side yard requirements of the S, R, or H district shall apply.

ARTICLE 20.

*Rear Yards*

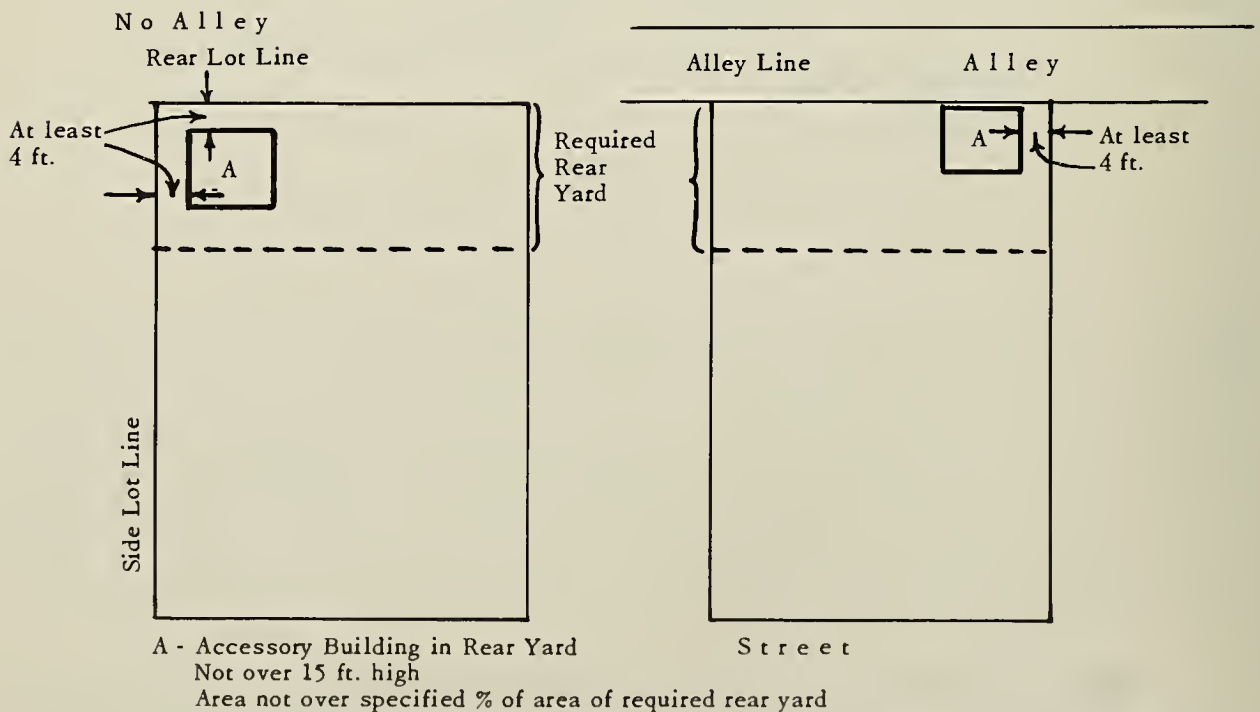
**Section 20-1. Rear Yard Requirements.** No building or structure shall be built within the minimum depth from the rear lot line specified in Section 13-1, Table B, except as may be allowed hereafter.

**Section 20-2. Requirements in H Districts with and without a Side Yard.** In H districts, the rear yard

- (a) shall be at least 30 feet deep if no side yard is provided;
- (b) need be no deeper than 20 feet if side yards are provided.

**Section 20-3. Accessory Buildings.** Accessory buildings may occupy portions of the required rear yard up to the limits specified in each district in Section 13-1, Table B, provided that no such accessory building within a required rear yard shall exceed 15 feet in height, nor be located closer to any lot line than 4 feet unless the lot line is also an alley line.

Illustrations (not part of regulations) of Section 20-3.





**Section 20-4. Reduction of Rear Yards for Shallow Lots.** For each foot by which a lot on the effective date of this Code is less than 100 feet deep, four inches may be deducted from the required depth of the rear yard, provided that no rear yard shall be less than 10 feet in depth in any case.

**Section 20-5. Projections into Rear Yards.** Such projections as are allowed by Section 19-6 into sideyards may also be allowed into rear yards up to the same number of feet, but in no case within 10 feet of a rear lot line or within 8 feet of an accessory building.

**Section 20-6. Rear Yards in Business or Industrial Districts.** Where a rear lot line in an L, B, M, I or W district abuts an S, R, or H district the rear yard requirement, as specified in Section 13-1, Table B shall be increased by 10 feet, but no rear yard need be deeper than 20 feet.

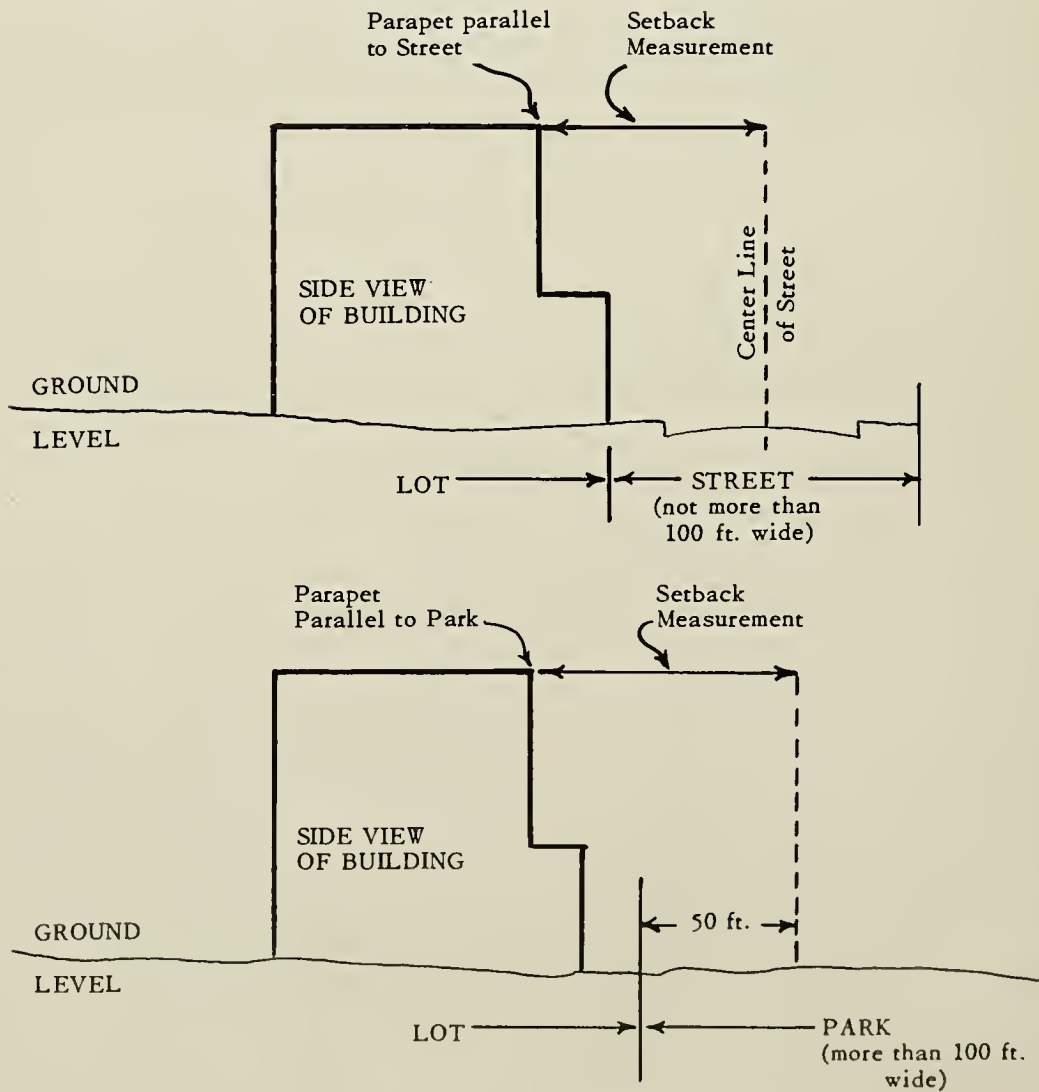
ARTICLE 21.

**Setbacks**

**Section 21-1. Setback Requirements.** Where a minimum setback of parapet from any lot line is specified in Section 13-1, Table B, the line of any parapet, cornice, eaves, or other top line of a wall that is perpendicular or within 45 degrees of perpendicular shall not be located closer to any lot line to which it is parallel or substantially parallel than the distance specified in Table B, except as exempted hereinafter.

**Section 21-2. Setback from Open Space, Street or Alley.** In calculating the setback from a lot line that is also a public open space, street or alley line, the required setback may include one-half the width of the open space, street or alley, but not more than 50 feet.

Illustrations (not part of regulations) of Section 21-2.



**Section 21-3. Setback Exceptions.** No setback is required under the following conditions:

(a) For the lower two stories or 25 feet, whichever is less;

(b) Along side lot lines and side street lines of corner lots, subject to the limitations in Section 19-4, as follows:

*In districts where normal maximum floor area ratio is:*

*No side setback is required below a height of:*

1.0	40 ft.
2.0	60 ft.
3.0	70 ft.
4.0	80 ft.
8.0	100 ft.
10.0	120 ft.

**Section 21-4. Setback Adjoining Nonconforming Building.** Where a building in a district where no side yard is required is to be built adjacent on one or both sides to buildings not conforming to the requirement for setback from side lot lines, the required setback shall start at a height midway between the average of the adjacent nonconforming wall-height or heights and the height specified in Section 21-3.

## ARTICLE 22.

### *Courts*

**Section 22-1. Inner Courts.** No building in an S, R, or H district, and no residential building other than hotels and other buildings designed only for temporary or transient occupancy in other districts, shall have any window required by the Building Code opening upon any inner court the width of which is less than its average height, and the length of which is less than twice the width.

**Section 22-2. Outer Courts.** No building in an S, R, or H district, and no residential building other than hotels and other buildings designed only for temporary or transient occupancy in other districts, shall have any window required by the Building Code opening upon any outer court the length of which is more than its average height, and the width of which is less than one-half its length; except that for every foot by which the width exceeds the average height, the length may be increased 6 inches.

**Section 22-3. Projections into Courts.** Required courts shall be open to the sky unobstructed, except that cornices, gutters, belt courses, sills, pilasters and ornamental features may project not more than six inches into such courts. Except a retaining wall, no fence or wall above a height of 6 feet and no accessory building shall be allowed within the limits of any required court.

## ARTICLE 23.

### *Yard And Court Regulations*

**Section 23-1. In Residential Districts.** In S, R, or H districts every required yard and court shall begin at a level no higher than the grade level or, where the grade level of an abutting lot is at a higher level, at a level not higher than such higher level, except that in H districts rear and interior side yards, inner courts, and rear and side outer courts may begin at a level not more than 5 feet above grade level.

**Section 23-2. In Other Districts.** In L, B, M, I or W districts every required front yard shall begin at grade level; and every required rear and interior side yard, inner court, and outer court, shall begin at a level not lower than the window sill level of the lowest room of human occupancy relying upon natural light or natural ventilation from windows opening thereon. The height of such court shall be measured from the bottom of such court as actually constructed, or from the grade level, whichever is higher.

**Section 23-3. Underground Yard and Court Encroachments.** In H districts and in non-residential districts, underground garage or other accessory space may be provided within required side and rear yards and courts, provided the height of such structure, including parapets, piers, or railings, shall not exceed 5 feet above the grade level, and provided such structure does not prevent free access to the rear yard.

ARTICLE 24.

***Off-Street Parking Requirements***

**Section 24-1. Intent of Requirements.** It is the intent of this code that all structures and land uses eventually be provided with sufficient space located off-street for the parking of automobiles to meet the needs of persons employed at or making use of such structures or land uses. No application for a permit for the erection of a new structure or substantial alteration of an existing structure, or for the development of a land use, shall be approved unless it includes a plan for off-street automobile parking facilities as required by Section 24-4, Table C.

**Section 24-2. Application to Existing Structures.** Structures and land uses (a) in existence at the time this Code becomes effective or (b) for which building permits have been approved at that time shall not be subject to the requirements of Section 24-4, Table C, provided that any parking facilities now serving such structures or uses shall not in the future be reduced below such requirements.

**Section 24-3. Dedication of Off-Street Parking Facilities to City.** Required off-street parking facilities which after development are later dedicated to and accepted by the City shall be deemed to continue to serve the uses or structures to meet the requirements for which they were originally provided.

**Section 24-4. Table of Requirements.** Off-street parking facilities shall be provided for each class of land use, in accordance with Table C:

Table C: Off-Street Parking Requirements

<i>Zoning District:</i>	<i>Class of Allowed Use</i>					
	<i>Residence</i>	<i>Public Assembly</i>	<i>No. square feet of gross floor area requiring 1 space, by type of use</i>			
			<i>Institution</i>	<i>Retail &amp; Office</i>		<i>Factory &amp; Warehouse</i>
<i>Maximum Floor Area Ratio</i>	<i>No. spaces per group of dwelling units</i>	<i>No. seats requiring 1 space</i>		<i>Ground Floor</i>	<i>Other</i>	
0.3, 0.5	10 per 10	5	600	300	600	1,000
0.8, 1.0	9 per 10	6	700	350	700	1,200
2.0	8 per 10	8	1,000	500	1,000	1,600
3.0	7 per 10	15	1,800	900	1,800	2,000
4.0	5 per 10	20	2,400	1,200	2,400	3,000
8.0, 10.0	none	none	none	none	none	none

**Section 24-5. Residence Uses.**

(a) Residence uses shall include all uses listed in Section 8-8, Table A, Use Item No. 1 to 15, inclusive, and No. 51.

(b) Where residence uses are not divided into dwelling units:

(1) each two guest sleeping-rooms for single or double occupancy shall equal one dwelling unit

(2) where not divided into such rooms, as in a dormitory, each 5 beds shall equal one dwelling unit

**Section 24-6. Public Assembly Uses.**

(a) Places of public assembly shall include all uses listed in Section 8-8, Table A, Use Item No. 21, 26, 27, 28, 36, 50, 59 and 64.

(b) Where places of public assembly are not provided with fixed individual seats:

(1) Where benches are used, each 2 lineal feet of bench shall equal one seat

(2) Where no fixed seats are used, as in a terminal or dance hall, each 20 square feet of public floor area shall equal one seat

(3) Places of worship need not provide more than one-half of the requirement specified in Section 24-4.

**Section 24-7. Institution Uses.**

(a) Institutions shall include all uses listed in Section 8-8, Table A, Use Item No. 16, 17, 18, 19, 20, 22, 23 and 24.

(b) Uses listed under Section 8-8, Table A, Use Item No. 16 to 19 and intended primarily for children under age 16 need not provide more than one-half the requirement specified in Section 24-4.

**Section 24-8. Retail and Office Uses.**

(a) Retail and office uses of land or structures shall include all uses listed in Section 8-8, Table A, Use Item No. 15, 30 to 35 inclusive, 37 to 45 inclusive, 47, 48, 49, 58, 70, 71 and 74.

(b) Where the principal use on a lot is an open-air use not enclosed in a structure, the area of the lot devoted to such use shall be considered to be floor space for purposes of calculating parking requirements. Where the area devoted to such use is not clearly bounded and readily determinable, the Board of Appeal shall determine the area to be considered equivalent to floor space.

**Section 24-9. Factory and Warehouse Uses.**

(a) Factory and warehouse uses of land or structures shall include all uses listed in Section 8-8, Table A, Use Item No. 29, 46, 52 to 55 inclusive, 57, and 62 to 68 inclusive.

(b) The provisions of Section 24-8 (b) apply also to factory and warehouse uses.

**Section 24-10. Fractional Parking Space.** Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

**Section 24-11. Mixed Uses.**

(a) Where a structure or land use is occupied or intended to be occupied by two or more establishments falling into different classes of uses, the facilities required shall be the sum of the requirements for the various individual establishments, computed separately in accordance with Section 24-4, Table C; facilities for one use shall not be considered as providing those required for any other.

(b) Where a single establishment is divided among two or more of the classes of use, the requirements for the predominant use shall apply to the entire establishment except when a minor use in a different category occupies either more than 25% of the gross floor space or more than 10,000 square feet, in which case the requirement shall be calculated pro rata.

**Section 24-12. Location of Facilities.** Required off-street parking facilities shall be provided on the same lot or premises with the main use they are required to serve, except that in a specific case where this is impractical the Board of Appeal may authorize as a conditional use the provision of required parking on any lot in the same ownership as the lot in question that is within 400 feet of such lot.

**Section 24-13. Common Parking Facility.** Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, may be authorized by the Board of Appeal as a conditional use provided:

(a) that the total number of spaces designated is not less than the sum of the individual requirements, and

(b) that all other applicable sections of Article 24 are complied with.

**Section 24-14. Changes in Use Affecting Parking Requirement.** Whenever after the effective date of this Code there is a change in the lawful use of the premises or other unit of measurement directly increasing to an extent of 15% or more the requirements as specified in Section 24-4, Table C, the additionally required off-street parking facilities shall be provided within a reasonable time on the basis of the new use or condition.

**Section 24-15. Exceptions.** Off-street parking space shall not be required when the computed requirement:

(a) in 0.3 and 0.5 districts for non-residential uses is 2 spaces or less, or

(b) in other districts for residential uses is 2 spaces or less, and for non-residential uses is 4 spaces or less.

**Section 24-16. Design and Layout.** Each off-street parking area shall be designed in such manner as to conform to the following specifications:

(a) Each required car space shall be not less than 8 feet 6 inches in width and 20 feet in length, exclusive of drives and maneuvering space.



(b) All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas.

(c) Required off-street parking facilities may be enclosed in a structure or may be open, provided that all required parking facilities shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Building Commissioner to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways. In appropriate situations the Building Commissioner may require suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

(d) Parking areas shall not be used for automobile sales, dead storage, repair work, dismantling or servicing of any kind.

(e) Any lighting that is provided shall be arranged so as to reflect downward and away from any residential district and from any public street or highway.

**Section 24-17. Maintenance and Operation.** All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provisions, except when such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as at no time to constitute a nuisance, or a hazard or unreasonable impediment to traffic.

**Section 24-18. Penalty Provisions.** The provision of parking facilities as required above shall be a continuing obligation of the owner or sponsor of a given structure or use so long as such is in existence. Penalty provisions applicable to the Zoning Code shall apply to any violations of this Article. At such time as the required facilities shall fail to continue to be available for the purpose, the building permit for the structures to which the facilities are adjunct and the use or occupancy permits issued for the premises shall be cancelled and become null and void.

ARTICLE 25.

***Off-Street Loading Requirements***

**Section 25-1. Intent of Requirements.** It is the intent of this Code that all structures and uses requiring the delivery of goods as part of their functions eventually be provided with necessary space for off-street loading. No application for a permit for the erection of a new structure or substantial alteration of an existing structure, or for the development of a land use, shall be approved unless it includes a plan for off-street loading facilities.

**Section 25-2. Structures Substantially Altered or Extended.** Where a structure existing on the effective date of this Code is altered or extended in such a way as to increase the gross floor area by 15,000 square feet or more, only the additional gross floor area shall be counted in computing the off-street loading requirements. Lesser alterations require no provision.

**Section 25-3. Table of Requirements.** Off-street loading facilities shall be provided in accordance with the following requirements for each class of land use except Use Item Nos.1 to 9 inclusive of Table A, Section 8-8:

Table D: Off-Street Loading Requirements

	<i>Number of Bays Required for New Structures by Gross Floor Area of Structures (in thousands of square feet)</i>					
	<i>Under 15</i>	<i>15- 50</i>	<i>50- 100</i>	<i>100- 150</i>	<i>150- 300</i>	<i>Over 300- (for each add'l 150-)</i>
Retail Trade Wholesale and Storage Transportation Terminal Manufacturing Public Utility	0	1	2	3	4	1
Consumer Services Office Building Hotel and Dormitory Institution Recreation	0	1	1	2	3	1

**Section 25-4. Retail Trade, Wholesale Trade and Storage, Manufacturing and Public Utility Uses.** These uses shall include all uses listed in Section 8-8, Table A, Use Item Nos. 29-34, inclusive, 46, 52-59, inclusive, and 62-68 inclusive.

**Section 25-5. Consumer Services, Office Buildings, and Other Non-Residential Uses; Hotel and Institution Uses.** These uses shall include all uses listed in Section 8-8, Table A, Use Item Nos. 11-25 inclusive, 27, 28, 30, 35-45 inclusive, 47-51, inclusive.

**Section 25-6. Exception.** The requirement of Section 25-3 shall not be applicable to uses in S, R, or H districts set forth in Section 8-8, Table A, Use Item Nos. 1-9, inclusive.

**Section 25-7. Fractional Loading Space.** Where the computation of required loading bays results in a fractional number, only the fraction of one-half or more shall be counted as one.

**Section 25-8. Mixed Uses.** Where a structure or land use is occupied or intended to be occupied by two or more establishments falling into different classes of uses, the facilities required shall be the sum of the requirements for the various individual establishments, computed separately in accordance with Section 25-3.

**Section 25-9. Design and Layout.** Off-street loading facilities shall be so designed as to conform to the following specifications:

(a) Each required loading bay shall be no less than 10 feet in width, 25 feet in length, and 14 feet in height, such requirements to be exclusive of drives and maneuvering space, and shall be located entirely on the lot.

(b) All off-street loading facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas.

(c) Required off-street loading bays may be enclosed in a structure and must be so enclosed if located within 50 feet of a residence district where the use involves regular night operation, such as that of a bakery, restaurant, hotel, bottling plant, or similar uses.

(d) All accessory driveways and entranceways shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Building Commissioner to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways.

(e) Any lighting provided shall be so arranged as to reflect away from any residential district, also from any public street or highway.

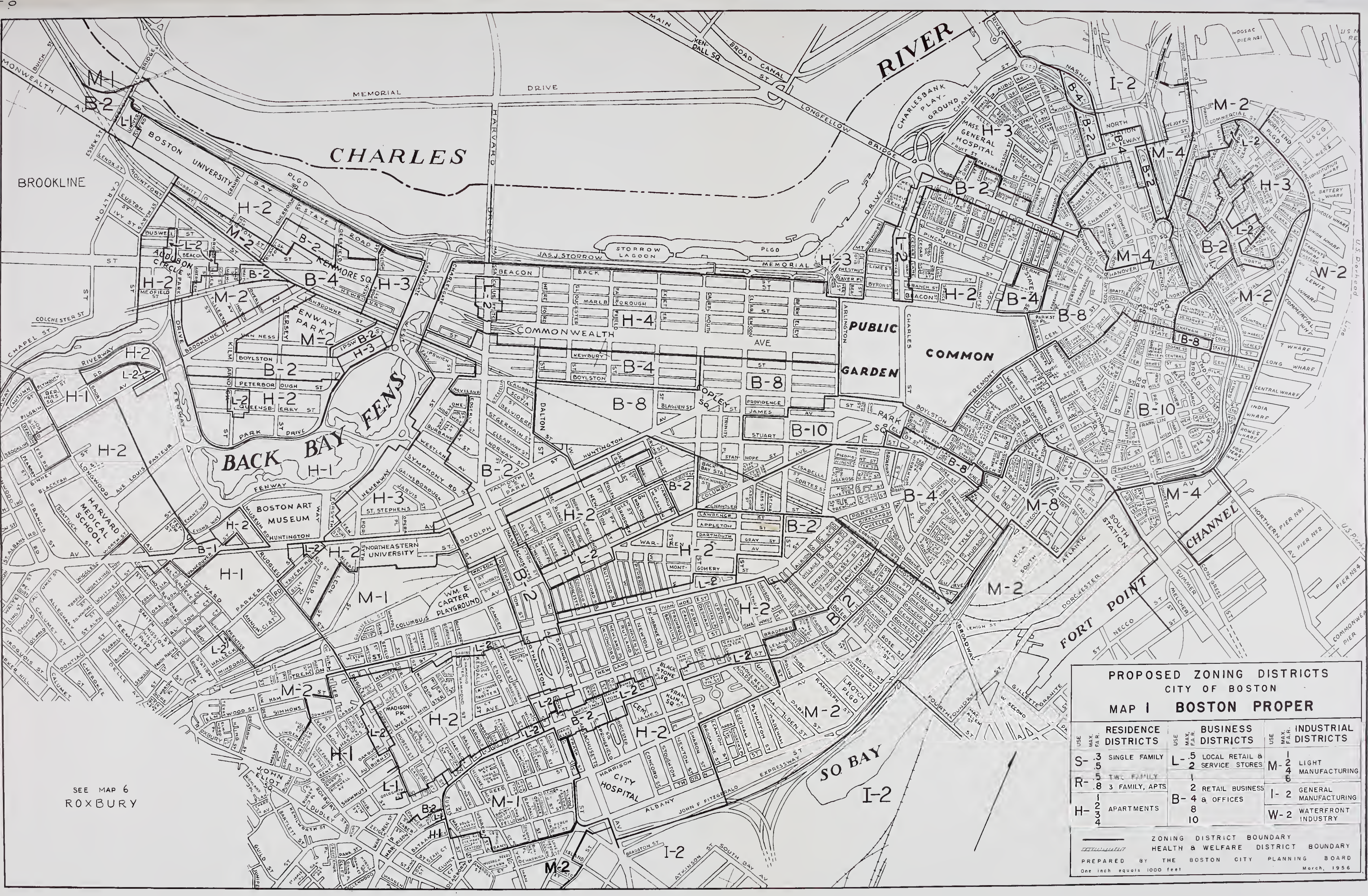
**Section 25-10. Maintenance and Operation.** All required loading facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street loading facilities shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as at no time to constitute a nuisance, or a hazard or unreasonable impediment to traffic.

**Section 25-11. Penalty Provisions.** The provision of loading facilities as required above shall be a continuing obligation of the owner or sponsor of a given structure or use so long as such is in existence. Penalty provisions applicable to the Zoning Code shall apply to any violations of this Article. At such time as the required facilities shall fail to continue to be available for the purpose, the building permit for the structures to which the facilities are adjunct and the use or occupancy permits issued for the premises shall be cancelled and become null and void.

## INDEX TO MAPS

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- 1 BOSTON PROPER
- 2 CHARLESTOWN
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- 10 ROSLINDALE
- 11 WEST ROXBURY
- 12 HYDE PARK



SEE MAP 6  
ROXBURY

**PROPOSED ZONING DISTRICTS**  
CITY OF BOSTON  
**MAP I BOSTON PROPER**

USE	MAX. F.A.R.	RESIDENCE DISTRICTS	USE	MAX. F.A.R.	BUSINESS DISTRICTS	USE	MAX. F.A.R.	INDUSTRIAL DISTRICTS
S	3	SINGLE FAMILY	L	5	LOCAL RETAIL & SERVICE STORES	M	2	LIGHT MANUFACTURING
R	8	TWO FAMILY		1	RETAIL BUSINESS		1	GENERAL MANUFACTURING
H	3	3 FAMILY, APTS	B	4	& OFFICES		2	WATERFRONT INDUSTRY
	4	APARTMENTS		10				

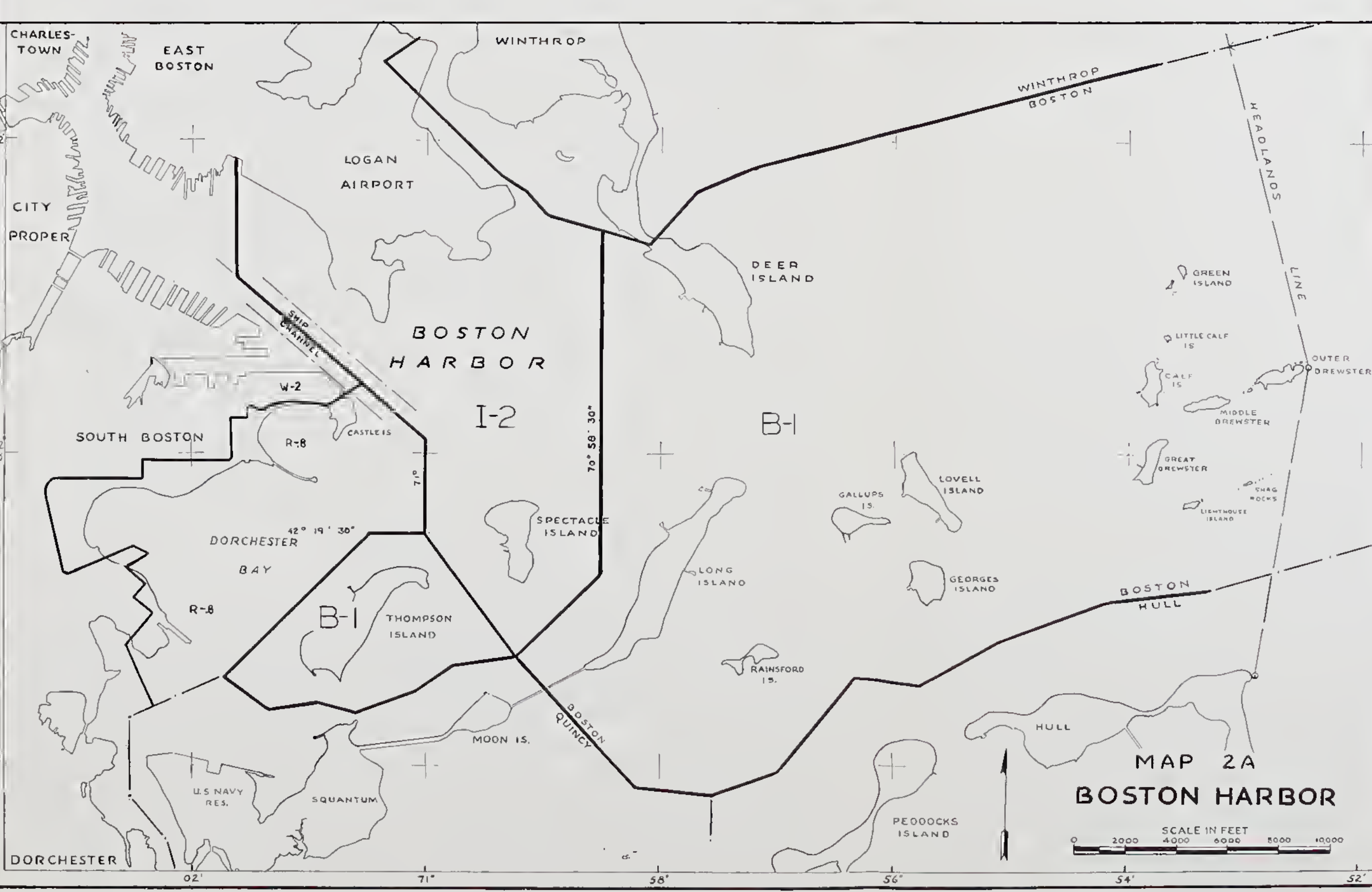
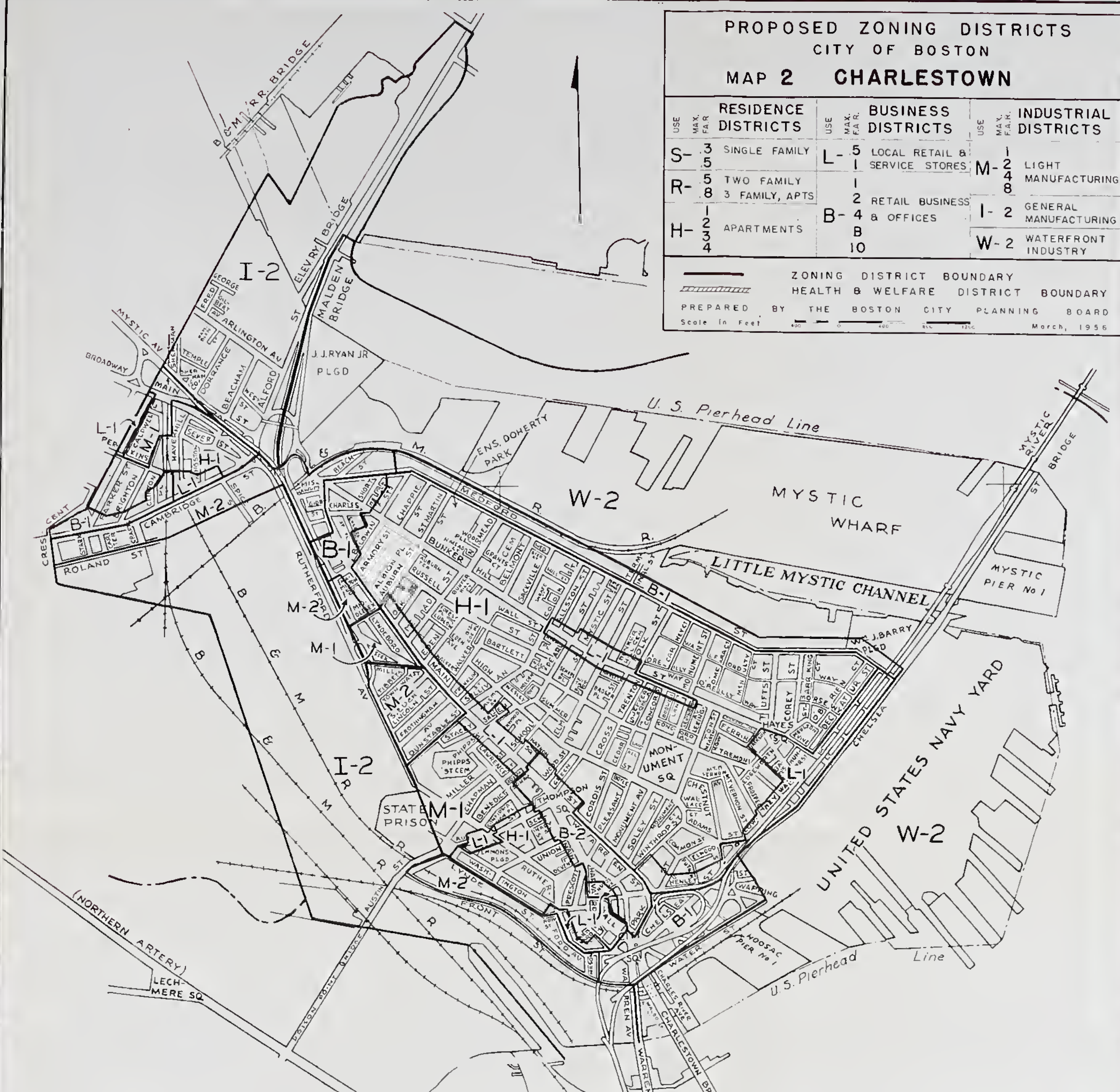
— ZONING DISTRICT BOUNDARY  
 - - - - - HEALTH & WELFARE DISTRICT BOUNDARY  
 PREPARED BY THE BOSTON CITY PLANNING BOARD  
 One inch equals 1000 feet March, 1956



PROPOSED ZONING DISTRICTS  
CITY OF BOSTON  
MAP 2 CHARLESTOWN

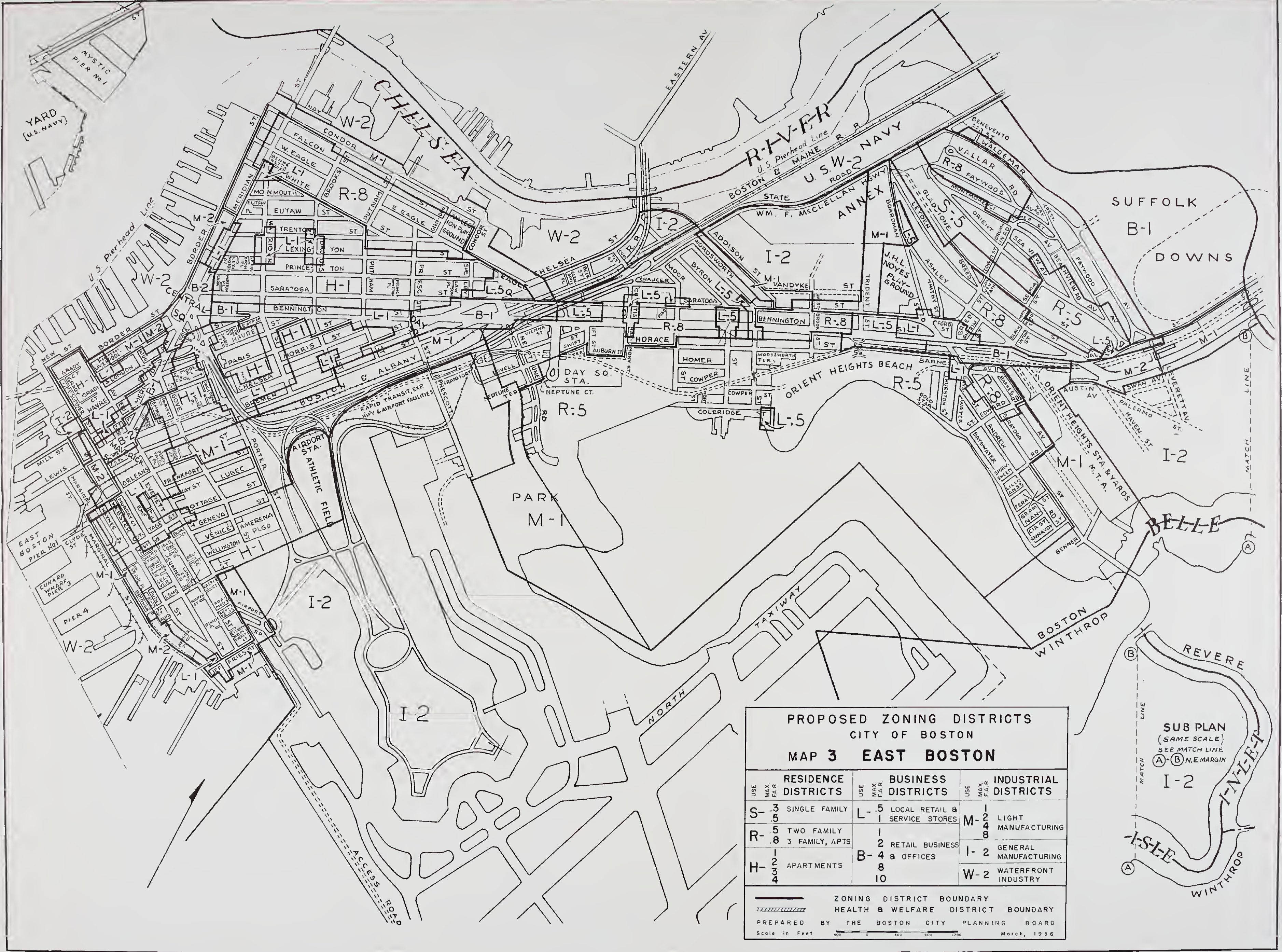
RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX. F.A.R.	USE	MAX. F.A.R.	USE	MAX. F.A.R.
S-3	3	L-5	5	M-1	1
S-5	5	L-1	1	M-2	2
R-5	5	I-1	1	M-4	4
R-8	8	I-2	2	M-8	8
H-1	1	B-2	2	I-2	2
H-2	2	B-4	4	I-2	2
H-3	3	B-10	10	W-2	2
H-4	4				

ZONING DISTRICT BOUNDARY  
HEALTH & WELFARE DISTRICT BOUNDARY  
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Scale in Feet 0 400 800 1200 1600  
March, 1956









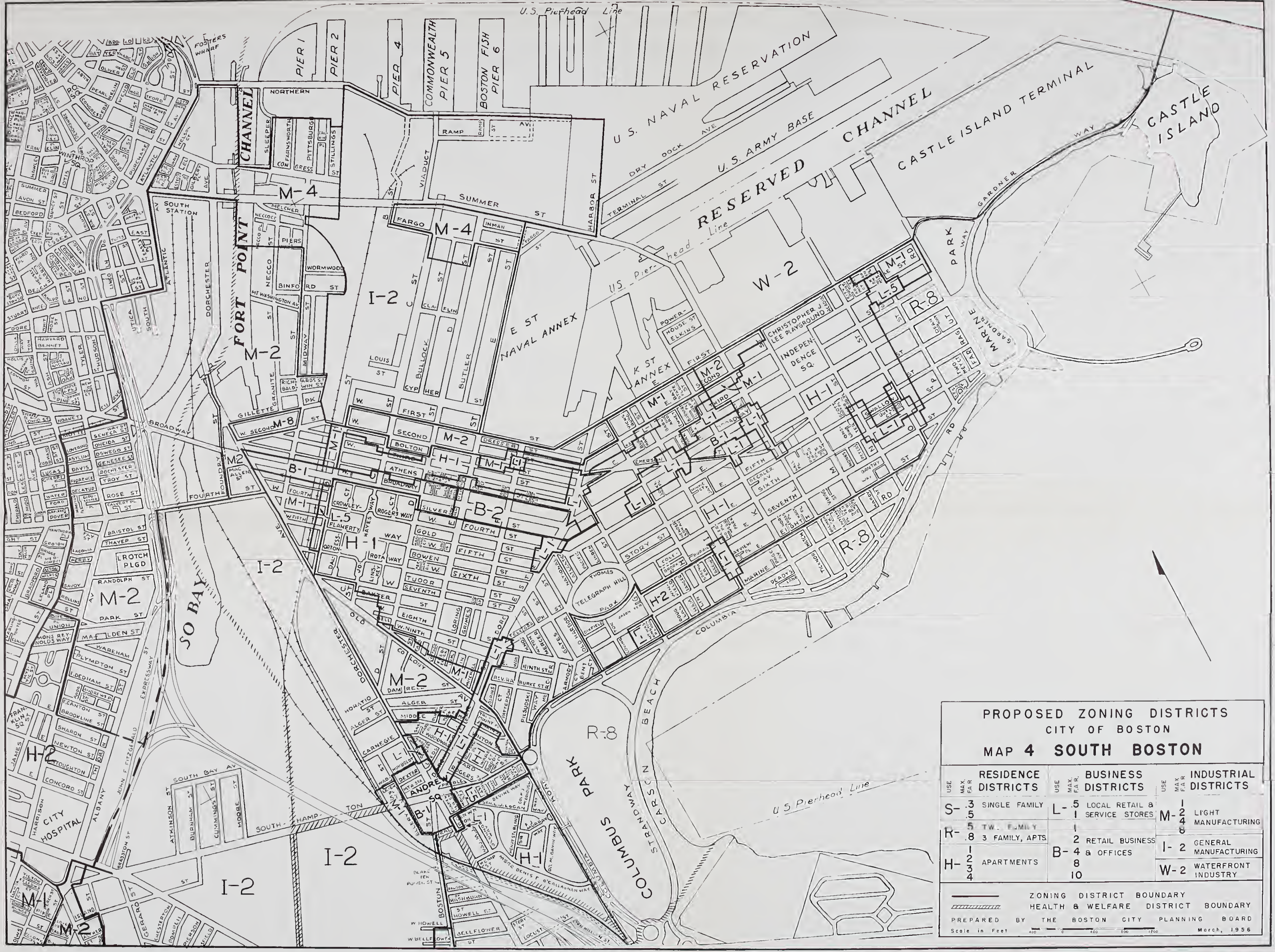
**PROPOSED ZONING DISTRICTS**  
CITY OF BOSTON  
**MAP 3 EAST BOSTON**

RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX. F.A.R.	USE	MAX. F.A.R.	USE	MAX. F.A.R.
S-3	3	L-5	5	M-2	2
S-5	5	L-1	1	M-4	4
R-5	5	1	1	M-8	8
R-8	8	2	2	I-2	2
H-1	1	B-4	4	W-2	2
H-2	2	8	8		
H-3	3	10	10		
H-4	4				

— ZONING DISTRICT BOUNDARY  
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**SUB PLAN**  
 (SAME SCALE)  
 SEE MATCH LINE  
 A-B N.E. MARGIN  
 I-2  
 I-S-E  
 I-N-E-E  
 WINTHROP





**PROPOSED ZONING DISTRICTS  
CITY OF BOSTON  
MAP 4 SOUTH BOSTON**

RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX. F.A.R.	USE	MAX. F.A.R.	USE	MAX. F.A.R.
S-3	SINGLE FAMILY	L-5	LOCAL RETAIL & SERVICE STORES	M-2	LIGHT MANUFACTURING
R-8	TWO FAMILY, APTS	B-2	RETAIL BUSINESS & OFFICES	I-2	GENERAL MANUFACTURING
H-2	APARTMENTS	B-8		W-2	WATERFRONT INDUSTRY
		B-10			

——— ZONING DISTRICT BOUNDARY  
 // // // HEALTH & WELFARE DISTRICT BOUNDARY  
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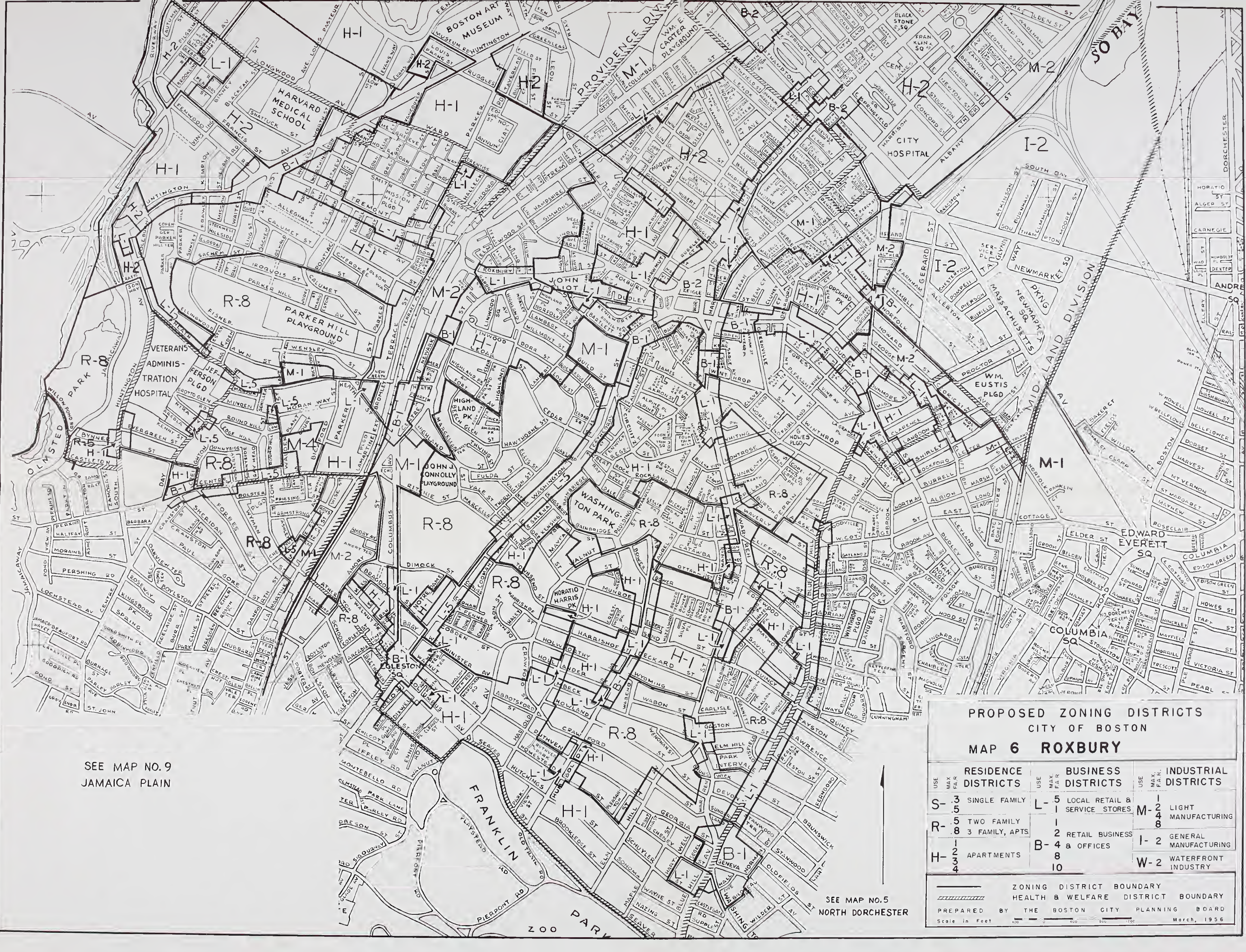


**PROPOSED ZONING DISTRICTS  
CITY OF BOSTON  
MAP 5 NORTH DORCHESTER**

USE MAX. F.A.R.	RESIDENCE DISTRICTS	USE MAX. F.A.R.	BUSINESS DISTRICTS	USE MAX. F.A.R.	INDUSTRIAL DISTRICTS
S-3	SINGLE FAMILY	L-5	LOCAL RETAIL & SERVICE STORES	M-2	LIGHT MANUFACTURING
R-8	TWO FAMILY	1	1 RETAIL BUSINESS	4	8 GENERAL MANUFACTURING
H-1	3 FAMILY, APTS	B-4	8 OFFICES	1-2	GENERAL MANUFACTURING
H-2	APARTMENTS	8		W-2	WATERFRONT INDUSTRY
H-3		10			
H-4					

— ZONING DISTRICT BOUNDARY  
 - - - HEALTH & WELFARE DISTRICT BOUNDARY  
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SEE MAP NO. 9  
JAMAICA PLAIN

SEE MAP NO. 5  
NORTH DORCHESTER

**PROPOSED ZONING DISTRICTS**  
CITY OF BOSTON  
**MAP 6 ROXBURY**

RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX. FAR.	USE	MAX. FAR.	USE	MAX. FAR.
S-3	SINGLE FAMILY	L-5	LOCAL RETAIL & SERVICE STORES	M-2	LIGHT MANUFACTURING
R-5	TWO FAMILY	1	RETAIL BUSINESS	4	GENERAL MANUFACTURING
R-8	3 FAMILY, APTS	B-2	4 & OFFICES	8	WATERFRONT INDUSTRY
H-1	APARTMENTS	8		10	
H-2		10			
H-3					
H-4					

ZONING DISTRICT BOUNDARY  
 HEALTH & WELFARE DISTRICT BOUNDARY  
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 Scale in Feet 0 100 200 300 400 500 600 700 800 900 1000  
 March, 1956







PROPOSED ZONING DISTRICTS  
CITY OF BOSTON  
MAP 7 BRIGHTON

RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX. F.A.R.	USE	MAX. F.A.R.	USE	MAX. F.A.R.
S-3	SINGLE FAMILY	L-5	LOCAL RETAIL & SERVICE STORES	M-1	LIGHT MANUFACTURING
R-5	TWO FAMILY	1		2	8
R-8	3 FAMILY, APTS	2	RETAIL BUSINESS & OFFICES	I-2	GENERAL MANUFACTURING
H-1	APARTMENTS	8		W-2	WATERFRONT INDUSTRY
H-2		10			

————— ZONING DISTRICT BOUNDARY  
 //////////////// HEALTH & WELFARE DISTRICT BOUNDARY  
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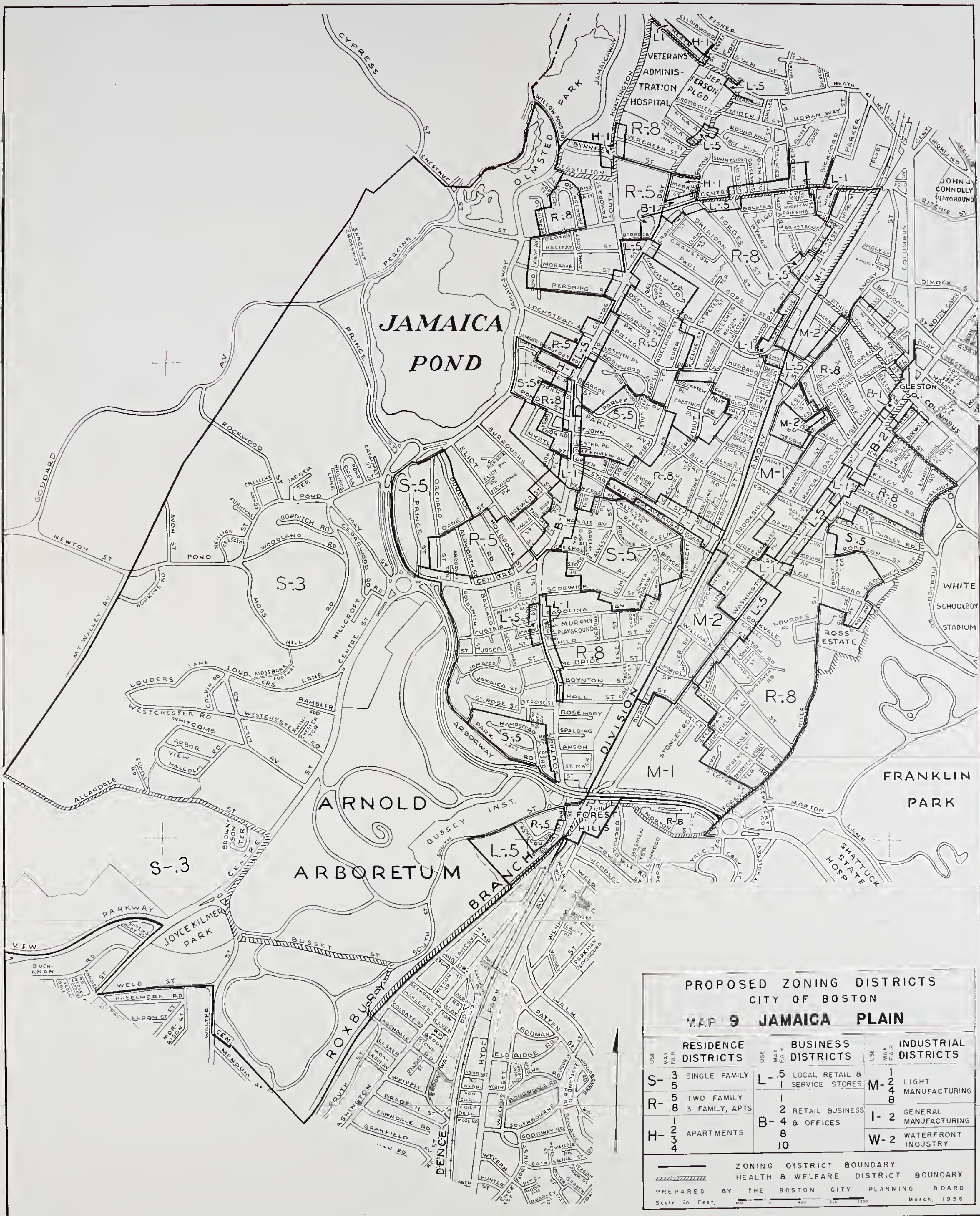


**PROPOSED ZONING DISTRICTS**  
CITY OF BOSTON  
**MAP 8 SOUTH DORCHESTER**

RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX. F.A.R.	USE	MAX. F.A.R.	USE	MAX. F.A.R.
S-3	1	L-5	1	M-1	1
S-5	1	L-1	1	M-2	2
R-5	1	1	1	M-4	4
R-8	1	2	1	M-8	8
H-1	1	B-4	1	I-2	1
H-2	1	8	1	I-8	8
H-3	1	10	1	W-2	1
H-4	1				

ZONING DISTRICT BOUNDARY  
 HEALTH & WELFARE DISTRICT BOUNDARY  
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 One inch equals 1000 feet  
 March, 1956



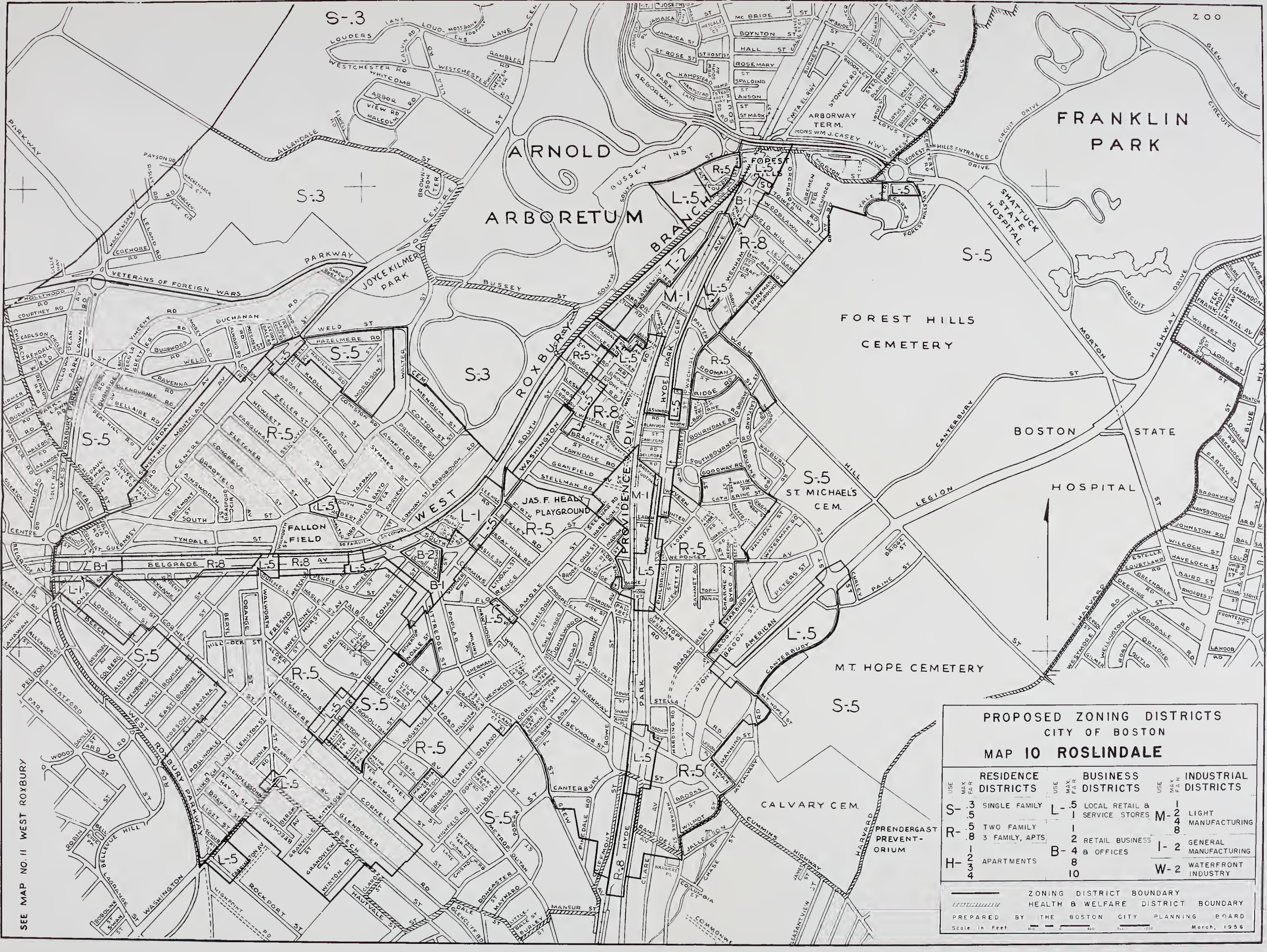


**PROPOSED ZONING DISTRICTS  
CITY OF BOSTON  
MAP 9 JAMAICA PLAIN**

RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX FAR	USE	MAX FAR	USE	MAX FAR
S-3	SINGLE FAMILY	L-5	LOCAL RETAIL & SERVICE STORES	M-2	LIGHT MANUFACTURING
R-5	TWO FAMILY	1	RETAIL BUSINESS & OFFICES	I-2	GENERAL MANUFACTURING
R-8	3 FAMILY, APTS	B-4	8 & 10	W-2	WATERFRONT INDUSTRY
H-1	APARTMENTS				
H-2					
H-3					
H-4					

————— ZONING DISTRICT BOUNDARY  
 - - - - - HEALTH & WELFARE DISTRICT BOUNDARY  
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**PROPOSED ZONING DISTRICTS**  
CITY OF BOSTON  
**MAP 10 ROSLINDALE**

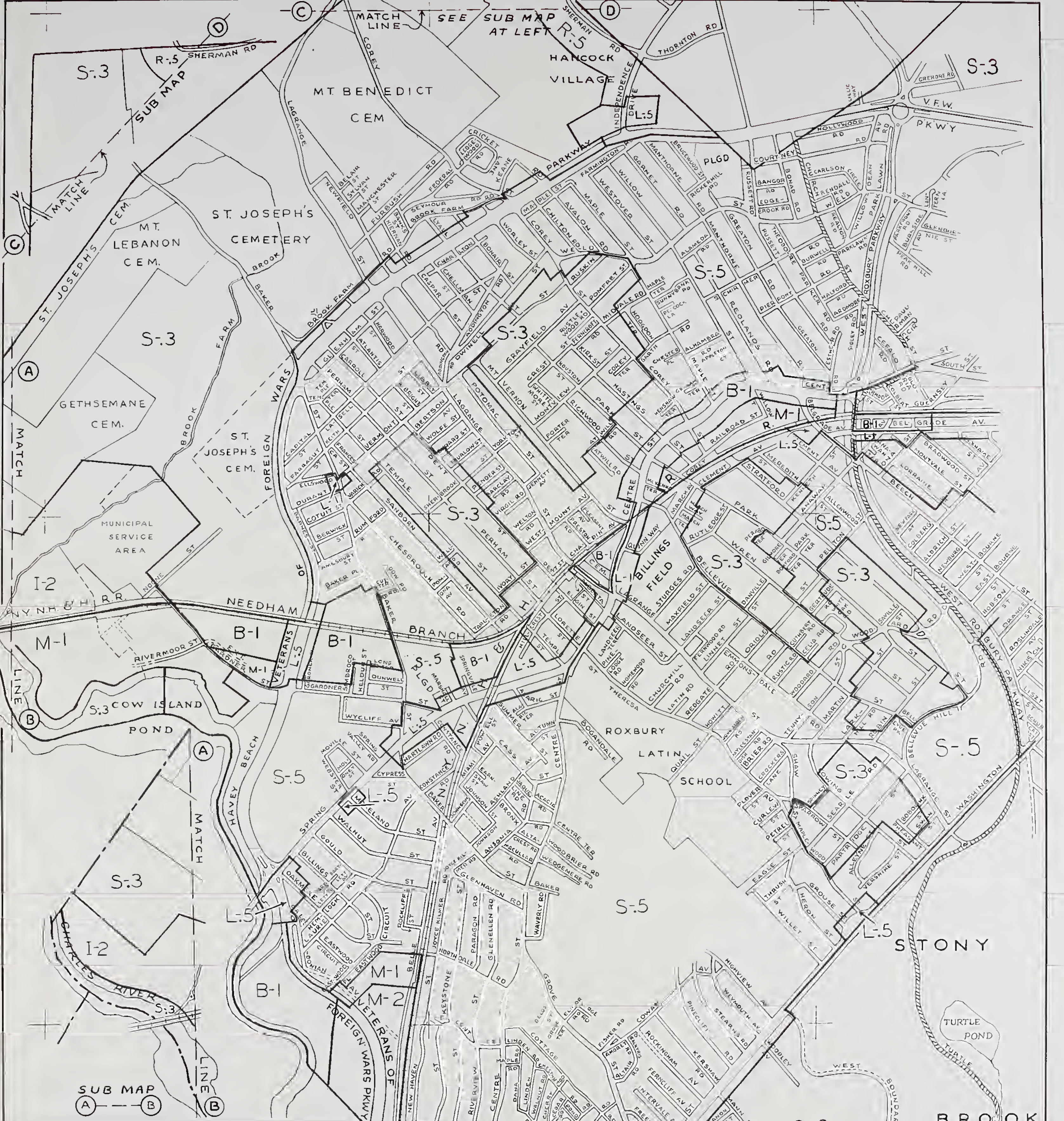
RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX. FAR	USE	MAX. FAR	USE	MAX. FAR
S-3	SINGLE FAMILY	L-5	LOCAL RETAIL & SERVICE STORES	M-2	LIGHT MANUFACTURING
S-5		L-1		M-4	48
R-5	TWO FAMILY	1	RETAIL BUSINESS & OFFICES	I-2	GENERAL MANUFACTURING
R-8	3 FAMILY, APTS	2		W-2	WATERFRONT INDUSTRY
H-1	APARTMENTS	4			
H-2		8			
H-3		10			
H-4					

ZONING DISTRICT BOUNDARY  
 HEALTH & WELFARE DISTRICT BOUNDARY  
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 Scale in Feet: 0, 400, 800, 1200  
 March, 1956

SEE MAP NO. 11 WEST ROXBURY







**PROPOSED ZONING DISTRICTS**  
**CITY OF BOSTON**  
**MAP II WEST ROXBURY**

USE	RESIDENCE DISTRICTS	BUSINESS DISTRICTS	INDUSTRIAL DISTRICTS
S-3	SINGLE FAMILY	L-5	LOCAL RETAIL & SERVICE STORES
R-5	TWO FAMILY	1	1 LIGHT MANUFACTURING
H-1	3 FAMILY, APTS	2	2 RETAIL BUSINESS
H-2	APARTMENTS	B-4	4 OFFICES
H-3		8	
H-4		10	
			I-2
			2 GENERAL MANUFACTURING
			W-2
			2 WATERFRONT INDUSTRY

ZONING DISTRICT BOUNDARY  
 HEALTH & WELFARE DISTRICT BOUNDARY  
 PREPARED BY THE BOSTON CITY PLANNING BOARD  
 Scale in Feet 0 400 800 1200  
 March, 1956



PROPOSED ZONING DISTRICTS  
CITY OF BOSTON  
MAP 12 HYDE PARK

RESIDENCE DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
USE	MAX FAR	USE	MAX FAR	USE	MAX FAR
S-3	SINGLE FAMILY	L-5	LOCAL RETAIL & SERVICE STORES	M-1	LIGHT MANUFACTURING
R-5	TWO FAMILY	I-1	RETAIL BUSINESS & OFFICES	M-2	GENERAL MANUFACTURING
R-8	3 FAMILY, APTS	B-4	OFFICES	I-2	WATERFRONT INDUSTRY
H-1	...	10	...	W-2	...

ZONING DISTRICT BOUNDARY  
HEALTH & WELFARE DISTRICT BOUNDARY  
PREPARED BY THE BOSTON CITY PLANNING BOARD  
Scale in Feet March, 1956



Same Scale  
SUB MAP

I-2  
MATCH

SEE SUB MAP AT LEFT A-B















